

Birmingham City Council

Planning Committee

19 December 2019

I submit for your consideration the attached reports for the **North West** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve - Conditions	9	2019/06031/PA Land adjacent 130-132 Icknield Port Road Edgbaston Birmingham B16 0BJ Erection of a part two/part three storey detached building to provide assisted living accommodation (Sui Generis) with other landscaping and hardstanding works.
Approve - Conditions	10	2019/06456/PA Hilltop and Manwood Municipal Golf Course Park Lane Handsworth Wood Birmingham B21 8LJ Proposed floodlit driving range/practice outfield and golf club range building (22 bays), new 9 hole (par 3) course, new 18 hole footgolf course, putting course, replacement club house car park (100 spaces), new water features, landscape and bio-diversity enhancement works
Approve - Conditions	11	2019/04797/PA 2 Nineveh Road Birmingham B21 0TU Change of use from warehouse (Use Class B8) to retail (Use Class A1) with external alterations

Approve – Subject to 106 Legal Agreement	12	<p>2019/06824/PA</p> <p>Hare and Hounds Public House 415 Kingstanding Road Kingstanding Birmingham B44 9TG</p> <p>Demolition of existing building and erection of residential development comprising 22 dwellings with associated roads and parking</p>
Approve - Conditions	13	<p>2019/08069/PA</p> <p>Land adjacent 67a Rookery Road Handsworth Birmingham B21 9NL</p> <p>Erection of 4no. 1 bed residential apartment and 1no. 2 bed residential apartment with associated parking and amenity space</p>
Approve - Temporary 1 year	14	<p>2018/10142/PA</p> <p>Avery Fields Land at Sandon Road Harborne Birmingham B17 8DT</p> <p>Variation of Condition No. 16 attached to approval 2017/04246/PA to allow hours of use between 07:00 and 00:00 Sundays to Thursdays and 07:00 and 01:00 Fridays and Saturdays</p>

Committee Date:	19/12/2019	Application Number:	2019/06031/pa
Accepted:	30/07/2019	Application Type:	Full Planning
Target Date:	20/12/2019		
Ward:	North Edgbaston		

Land adjacent 130-132 Icknield Port Road, Edgbaston, Birmingham, B16 0BJ

Erection of a part two/part three storey detached building to provide assisted living accommodation (Sui Generis) with other landscaping and hardstanding works.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1 The application seeks full planning consent for the erection 15no. assisted living apartments, operated and managed by “Aspire Supported Living”. These would be sited within a part three/part two storey detached building, sited centrally within the application site. The development would also contain a central office at ground floor level, alongside shared amenity areas, which would include; a shared living room and communal kitchen/training room. An outdoor communal amenity space of 140sqm is also proposed.
- 1.2. 5no. car parking spaces are proposed to the front of the site, sited within a forecourt, to the site’s east, fronting onto Icknield Port Road. These would be non-allocated and a shared cycle storage rack would be sited within the site’s rear garden area.
- 1.3. To the site’s frontage a communal bin store is also proposed.
- 1.4. The proposed development would have a total height of 8.4m and would be set over three levels. These would consist of:
 - Ground floor: 4no. apartments, communal living room (15.1sqm), life skills/teaching room (23sqm), office and a disabled washroom;
 - First floor: 6no. apartments; and
 - Second floor: 5no. apartments.
- 1.5. The en-suite apartments would range from 19.3sqm in size through to 23sqm. These would provide areas for living, sleeping and cooking and would be used in conjunction with the shared living areas proposed at ground floor level.
- 1.6. The building would be flat roofed and would feature brick on its lower two levels, with cladding proposed for the second floor level. The building would have projecting bay windows within its front elevation and projecting angled windows to its rear elevation, which are to be partly obscure glazed. The building has been proposed in a staggered form with a three storey section sited towards the far east of the site, and the western most section proposed at two storey level. Full height glazing is further

proposed to the front elevation, alongside brick headers, in order to add further interest to the building facades.

- 1.7. The development would provide temporary living accommodation to adults which require a certain level of care from periods of between 3 to 24 months. Although the apartments are somewhat catered towards independent living, the shared communal areas, alongside the on-site staff office and other on-site facilities will ensure that residents have assistance on hand 24 hours a day, 7 days a week when and where required. It should however be noted that staff members would only visit the site when and where required and will not be sited within the building permanently.
- 1.8. The level of care on offer to residents would differ between each individual; as the applicant caters for a variety of vulnerable groups, who require this form of accommodation as their next step towards independent living. The applicant has confirmed they operate a number of similar sites across the city and is a registered housing provider.
- 1.9. It should be noted that through the course of the application, the development proposals have gone through significant amendments on the back of officer recommendations, these consist of:
 - Lowering the height of the building, down from four storeys to being part three/part two storeys, thereby reducing the level of apartments from 18no. to 15no;
 - Design alterations to the building's elevational treatment and finish; alongside
 - Amendments to the submitted plans and transport assessment in order to remove inaccuracies.

1.10. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application relates to the land sited adjacent to No.'s 130-132 Icknield Port Road, Birmingham.
- 2.2. The application site is currently vacant and is largely landscaped in low level grass, with a small number of trees and hedges scattered throughout.
- 2.3. The site is bound by a low level timber fence to its east and south and a 2m high brick wall to its north and west. The site is situated within a mixed use area, with a school sited to its east, residential dwellings sited to its west, a commercial unit to its north and a care home to its south.

2.4. [Link to site location plan](#)

3. [Planning History](#)

- 3.1. 2017/01701/PA - Outline application (all matters reserved) for erection of up to 8 residential apartments and associated car parking and access – approved with conditions.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections subject to conditions in relation to visibility splays, parking spaces and access.
- 4.2. Regulatory Services – Raise no objections subject to conditions in relation to a sound insulation scheme and vehicle charging points.
- 4.3. West Midlands Police – Raise no objections and recommend the development meets the standards laid out in Secured by Design and that suitable CCTV measures are placed on site.
- 4.4. Local residents, Residents' Associations, Councillors and MP consulted. Site notice posted. 9 letters of objection were received raising the following area of concern:
 - Loss of light;
 - Increased potential of overlooking and loss of privacy;
 - Reduce level of green space on site;
 - Increase in noise;
 - Increase in pollution;
 - Danger to residents from busy main road;
 - Impact on local highway network and parking network;
 - No need for such accommodation within the area;
 - None or lack of community engagement;
 - Residents may have drug addictions or other issues which will need management ;
 - Development may impact nearby school children; and
 - The design and appearance of building is not in keeping with surrounding area.
- 4.5. 3no. comments have also been received raising the below points:
 - Neighbours have sought clarity on tree cover within the site;
 - Have commented upon the need for such accommodation given high vacancy rates of properties within the area;
 - And have commented upon inaccuracies within the submission.

5. Policy Context

- 5.1. Birmingham Development Plan (2017), Birmingham UDP (Saved Policies) (2005), Places for Living SPG (2001), Mature Suburbs SPD (2006), Car Parking Guidelines SPD (2012); National Planning Policy Framework (2018).

6. Planning Considerations

- 6.1. The application site has no specific planning policies or designations but it does fall within the Greater Icknield Growth Area (GA2). This policy doesn't include any criteria of specific allocation to the site but it does broadly state that this growth area will accommodate 3,000 new homes over the plan period and that local facilities and employment opportunities will be brought forward to support the delivery of a sustainable neighbourhood. This in turn, supports the broader BDP Policy PG1 which seeks to deliver the plan target of 51,100 additional homes across the City over the plan period 2011 to 2031.
- 6.2. The current proposals would see the erection of a Sui-Generis form of accommodation for assisted living, which will be managed by a registered provider;

seeking housing for vulnerable adults who require a form of care and support. As set out above the accommodation would provide temporary accommodation for residents for up to a period of two years.

- 6.3. Paragraphs 8.28 to 8.30 of the saved UDP policies state that decisions on Residential homes, which shares characteristics with the use as proposed (Assisted Living Accommodation), should not cause harm to residential amenity and should not impact upon the overall character of their locality. Account should therefore be taken the number of premises in a similar use, as not to oversaturate the area and affect its residential character. In this case, the wider area remains mixed in character, with a large number of residential dwellings, commercial units, a school and a care home within the sites immediate setting. Within this locality, data shows 3no. licenced HMO's can be found at No's 2, 6 and 14 Link Rd. A number of dwellings have in the past also been converted into apartments (less than 10%), but the prevailing character remains that of dwellings, with a small number of other residential uses (HMO's and apartments), alongside commercial units lying therein. As such, in this instance, it is not considered that the development would have a significant impact upon the character of the area, which would justify the refusal of the current application.
- 6.4. Policy TP27 of the BDP requires applicants to demonstrate that new residential developments can contribute towards creating sustainable neighbourhoods. This includes; providing for a wide choice of housing sizes, types and tenures; access to facilities such as shops, schools, leisure and work opportunities; reduced dependency on cars, with options to travel by foot, cycle and public transport; a strong sense of place with high quality design; environmental sustainability and climate proofing through measures that save energy, water and non-renewable resources; the use of green and blue infrastructure; attractive, safe and multifunctional public spaces; effective long-term management of buildings, public spaces, waste facilities and other infrastructure.
- 6.5. Policy TP28 further supports the requirements of Policy TP27 and states that new residential development should be adequately serviced by existing or new infrastructure; be accessible to jobs, shops and services by modes other than the car; be capable of remediation in the event of any serious physical constraints such as contamination or instability; be sympathetic to historic, cultural or natural assets; and not conflict with any other policies in the BDP.
- 6.6. The application site is in a sustainable location, as it is well served by public transport (via bus routes along Icknield Port Road) and has good accessibility to shops, services, employment, education and leisure facilities. It would therefore be in broad conformity with the requirements of Policies TP27 and TP28.
- 6.7. The proposed development will be designed in a way that maximises energy efficiency, minimises the use of carbon and can be resilient and adapt to the effects of climate change. An Energy Statement has been submitted in support of the application, this states that energy efficiency measures from Building Regulations Part L will be met but additional measures for efficient lighting and windows and doors will also be included. In terms of energy generation, the statement identifies that solar photovoltaics are appropriate to be included in the development scheme, having considered and discounted other types of generation such as solar thermal, wind turbines and hydroelectricity. The Energy Statement appears to be largely appropriate, and as such given the scale, form and size of the development and the measures proposed, it is considered that the development would be in accordance with Policies TP1 to TP5 of the BDP.

- 6.8. It is therefore considered that the development would form an appropriate form of development, in a sustainable location, which will cater to a distinctive need within the population. The development would further seek to be sustainable and as such is considered to be in compliance with relevant sections of the NPPF and the relevant sections of the BDP.

Design:

- 6.9. It should be noted that following advice from Council officers, the proposals underwent significant amendments in order to better the design of the proposed building.
- 6.10. The proposed building would be erected at part three/part two storey level and would have a triangular shaped form and a staggered foot-print, with the buildings foot-print being proposed deeper to its north. The building would feature full height bay windows to its front elevations, with large sections of glazing, brickwork and cladding also proposed to break up the buildings various elevations. The proposed building would have an overall ridge height of 8.4m and a total width of 13.5m and a total depth of 16.9m. This is proposed with a flat roof.
- 6.11. Although a three storey building, this would sit taller than the lower level two storey residential development sited to the south of the site and lower than the commercial building to its north; thereby acting as a step within the street-scene.
- 6.12. The building would be erected from a pallet of materials consisting of metallic panelling on its upper level and brickwork to its lower levels, alongside full height glazing and brick work detailing. The various materials would provide the building with some relief and would add further interest to its various elevations. The design approach is thereby considered to be acceptable and is seen to take inspiration from the pallet of building materials within the area. Full details of the proposed materials would be secured and approved by way of an appropriate condition.
- 6.13. The area of land sited to the front of the site would be used as the site's main access and would feature a number of parking spaces, alongside a storage area for bins. No details with reference to landscaping or boundary treatments have been submitted as part of the proposals and as such these details will be secured by way of condition. Alongside details of the proposed bin store and cycle store, to ensure their suitability. Given the site's level of private amenity space to the rear, and forecourt area to the front, it is considered that these areas can be enhanced through adequate landscaping, which would in turn enhance the site and wider street-scenes visual amenities.
- 6.14. It is therefore considered, the proposed development would be of an acceptable design, form and scale. Subject to the proposals being erected in compliance with the submitted plans, alongside the recommended conditions, which will seek to clarify full details of the proposed materials, boundary treatments, landscaping alongside architectural detailing, the development is considered to be in compliance with the relevant sections of BDP and NPPF.

Residential amenity:

- 6.15. The application proposals would have no side facing window openings. To the buildings front (east) lies a school and the development would achieve a distance in excess of 27m from the school's front boundary. To the site's west and south

however lie residential uses. The Council's Places for Living SPG requires all main habitable room openings to retain 5m from site boundaries for ground floor openings, 10m for first floor openings and 15m for second floor openings. While the proposals would meet these guidelines at ground floor level, the first and second floor rear facing openings would retain less than 10m to the site's rear boundary. As such, the proposed window openings have been proposed in an angled projecting manner, with the rear facing panel being proposed to feature obscure glazing. This panel therefore ensures that the openings do not directly overlook the rear garden areas of the site's western side facing adjoining dwellings. The clear sections of glazing would face the site's southern boundary, from which adequate distances of 15m or more would be retained, ensuring no undue overlooking. The proposals are therefore considered acceptable in this regard. Window to window distances between the two storey dwellings sited to the rear of the site and the two storey rear elevation of the proposed development would exceed 21m, which is the minimum requirement as set out within the Council's adopted SPG. This requires a 27m distance separation from three storey developments, which the proposals would again comply with. The development proposals are therefore considered acceptable in this regard.

- 6.16. The development proposals would comply with the Council's adopted 45 degree code standards and as such are not considered to result in any new undue overbearing, overshadowing or loss of light concerns.
- 6.17. Environmental control colleagues have raised no objections to the development proposals, subject to a suitable noise mitigation scheme being implemented on site prior to occupation. This will therefore be secured by way of condition.

Standard of accommodation and quality of the living environment:

- 6.18. The National Technical Housing Standards (NDSS 2015) sets out internal space standards and the requirements for gross internal floor areas. Although not yet adopted by the Council, the NDSS provides a useful benchmark to judge the adequacy of accommodation size. The NDSS requires a gross internal floor space figure of 37sqm for a one-bed, one person dwelling, set out over one level, which the current proposals fail to comply with. However, it should be noted that the current proposals are for assisted living and not independent one bed apartments. This form of assisted living accommodation is also temporary for up to a period of two years and would be utilised alongside the shared amenity spaces proposed at ground floor level (38sqm). The proposed apartments range from 19.3sqm in size through to 23sqm and as such it is considered, in this case, that this level of accommodation is acceptable.
- 6.19. In addition, all of the flats would benefit from natural light and would further provide a satisfactory level of outlook for future occupiers. It is therefore considered, on the basis that this form of accommodation is temporary, alongside and the fact that shared facilities would be provided at ground floor level, it is considered that the proposal would provide an acceptable level of accommodation for future residents.
- 6.20. The Places for Living SPG (2001) sets out a minimum garden size of 30m² per unit for flats and other developments providing communal amenity space. In this instance, this would equate to an area of 450m² in total. The proposed amenity space is approximately 140sqm. Although the proposals would fall short of this figure, given the level of amenity space proposed, alongside the site's location in close proximity to Edgbaston Reservoir (250m) and Summerfield Park (125m), this is considered to not represent a reason for refusal.

- 6.21. Given the above, I am therefore satisfied that the proposal would provide a good standard of amenity space and satisfactory living environment for future occupiers.

Transportation and highway safety:

- 6.22. The application relates to a presently vacant piece of land sited to the west of Icknield Port Rd. There are no TRO's in place to control waiting within this part of Icknield Port Rd. However, on the opposite side of the site lies a school, which has 'keep clear' & 'zig-zag' markings and associated Traffic Regulation Orders (TRO) prohibiting stopping during 8am – 6pm, Mon – Fri along the school frontage.
- 6.23. The submitted Transport Statement (TS) refers to the proposed use as 'Assisted living accommodation'. The applicant is proposing 15no. units. It is therefore considered that although the proposal is likely to increase traffic to/from the site when compared to the site's existing situation. The level of traffic associated with this form of assisted living accommodation would unlikely be significant to have severe impact on the surrounding highway network or upon pedestrian and highway user safety.
- 6.24. The Councils current parking guidelines specify a maximum parking provision of 1 space per 3 bed spaces for specialist care homes (use class C2) and similar uses. Therefore, considering this reference as a benchmark for the proposed use which is of a similar nature, the specified maximum parking provision for the proposed 15 bed space accommodation would be 5no. spaces. The applicant is proposing 5no. parking spaces. The Transport Statement further acknowledges that the proposed residents would unlikely to be able to afford a car and as such the spaces would likely be used by staff and visitors. The statement also refers to a parking survey to observe the parking activity within 200m distance from the application site. This found that there was some capacity for on-street parking available during the day-time within the surveyed area, with greater capacity being available during early morning and evening periods. The site also has a good level of accessibility to public transport and the applicant is also proposing to provide cycle parking within the site.
- 6.25. As such it is considered that the development would be acceptable on highway grounds, subject to conditions recommended by highway colleagues.

Ecology:

- 6.26. A single tree would be lost as a result of the application, which is acceptable with replacement tree planting. An informative will therefore be added in relation to nesting birds and the applicant will be providing replacing planting within the site, which will be secured by way of a landscaping and ecological enhancement conditions.

West Midlands Police:

- 6.27. A number of objections have been received in reference to crime and safety concerns, in association with the proposed development and future occupiers of the site. In this instance however, there is no evidence to suggest that these concerns can be suitably substantiated to such a degree to support a reason for refusal. West Midlands Police have raised no objection to the proposals and as such, while these comments are noted, there is no evidence to suggest that the approval of this scheme would have a direct impact upon crime and antisocial behaviour within the area.
- 6.28. West Midlands Police have suggested:

- The development be completed to Secured by Design 'Homes 2019' standards;
- A suitable lighting scheme be submitted; and
- A suitable CCTV scheme be installed on site.

6.29. I concur with these views and suitable conditions requiring a CCTV scheme and lighting scheme will be recommended as part of any subsequent planning consent. With reference to the Secure By Design standards, this will be recommended to the applicants by way of an informative, as it would be unreasonable to require the applicants to follow this guidance.

7. Conclusion

7.1. This application is recommended for approval with conditions as the proposal complies with the objectives of the policies that have been set out above. The proposal would provide a sustainable form of much needed assisted living accommodation for vulnerable groups, close to public transport links and local facilities. It would provide a good standard of amenity and satisfactory living environment for future occupiers and would not result in a detrimental impact on the amenities of the neighbouring occupiers. The proposal would not have adverse impact on parking or highway safety matters and would rationalise this presently vacant site.

8. Recommendation

8.1. Approve subject to conditions.

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| 1 | Implement within 3 years (Full) |
| 2 | Requires obscure glazing for specific areas of the approved building |
| 3 | Requires the submission of hard and/or soft landscape details |
| 4 | Requires the submission of boundary treatment details |
| 5 | Requires the submission of a lighting scheme |
| 6 | Requires the prior submission of a construction method statement/management plan |
| 7 | Requires the submission of sample materials |
| 8 | Requires the scheme to be in accordance with the listed approved plans |
| 9 | Requires the submission of a CCTV scheme |
| 10 | Requires the submission of windows, external doors, building facade and roof details prior to above ground works taking place. |
| 11 | Requires the submission of details of refuse storage |
| 12 | Requires vehicular visibility splays to be provided |
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- 13 Requires the submission and completion of works for the S278/TRO Agreement
 - 14 Requires the submission of cycle storage details
 - 15 Requires pedestrian visibility splays to be provided
 - 16 Requires the provision of a vehicle charging point
 - 17 Requires the parking area to be laid out prior to use
 - 18 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 19 Requires the submission a Noise Insulation Scheme (Icknield Port Road)
 - 20 Requires the submission a Noise Insulation Scheme (southern, northern and western elevations)
 - 21 Restricts the number of residents to a maximum of 15
 - 22 Requires the submission of drainage plan (foul and surface water flows).
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Case Officer: Idris Gulfraz

Photo(s)



(Photo 1 - Looking west from within the site)



(Looking at the site from Icknield Port Road – facing west).

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/06456/PA
Accepted:	07/10/2019	Application Type:	Full Planning
Target Date:	20/12/2019		
Ward:	Handsworth Wood		

Hilltop and Manwood Municipal Golf Course, Park Lane, Handsworth Wood, Birmingham, B21 8LJ

Proposed floodlit driving range/practice outfield and golf club range building (22 bays), new 9 hole (par 3) course, new 18 hole footgolf course, putting course, replacement club house car park (100 spaces), new water features, landscape and bio-diversity enhancement works

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. This application seeks consent for works to the existing 18 hole golf course at Hilltop to replace the existing course with a new 9 hole (par 3) course, 18 hole footgolf course, putting course, the erection of a new floodlit driving range, replacement car park (100 spaces), new water features, landscaping and biodiversity enhancements.
- 1.2. The work will require the stripping of the topsoil from the whole site and the importation of 250,110 cubic metres of soil and material to change the levels and create the new facilities. The submission indicates that the importation of materials will be over a 36 month period and the course will be closed for the whole of this time and for a further 18 months for profiling and re-seeding. In total the work is predicted to take four and a half years.
- 1.3. The driving range building is 72.39m by 9m and 3.94m high and provides 22 covered bays. Externally the structure is to be timber clad to three sides and floodlit with 5 lights fit to the open, outfield, side of the structure. The driving range outfield will also be lit with 8 BERM lights at ground level and constructed with a rainwater harvesting system and storage ponds created in the wider golf course.
- 1.4. The application has been submitted with the following supporting documents: Planning Statement, Design and Access Statement, Landscape and Visual Impact Statement, Transport Statement, Construction Environmental Management Plan, Soil Management Strategy, Flood Risk and Drainage Assessment, Preliminary Ecological Appraisal, Arboricultural Impact Assessment, Historic Environment Assessment, Lighting Assessment and a Contaminated Land Phase 1 Assessment. During the determination of the application a Construction Ecological Management Plan and a Himalayan Balsam Method Statement were submitted, and the Preliminary Ecological Appraisal and Soil Management Strategy were both updated.
- 1.5. The application site exceeds 1ha and the works relate to a golf course. As such the development falls under Schedule 2, 12(f) "Golf Courses and associated developments" and Schedule 2, 13(b) "changes to a development listed in schedule 2" of the Town and Country Planning (Environmental Impact Assessment)

Regulations 2017. However, the site is already a golf course and this application does not propose the creation of a new course on a greenfield site. Furthermore, the Council consider that the development is not likely to have significant adverse effects on the environment. As such the Council have screened the application as not requiring an Environmental Impact Assessment.

1.6. [Link to Documents](#)

2. [Site & Surroundings](#)

2.1. Hilltop Golf Course is an existing Birmingham City Council 18 hole golf course which has been operating since 1979. It is currently managed by Mytime Active under a 30 year contract with the Council (of which 7 years has passed). It lies in the northwest of Birmingham, close to the boundary with Sandwell, 10km from the city centre and within designated Greenbelt.

2.2. The application site is 29ha, within the total 48ha golf course site, and is the existing course and car park area only, the clubhouse and other buildings lies outside the application site. The site slopes from 145m AOD to 105m AOD down to the River Tame valley and Forge Mill Lane to the north of the site. Existing vehicular access is off Park Lane and provides access to the car park, clubhouse and to a group of 5 houses at Park Farm. Park Lane runs between the A41 Birmingham Road and the A4041 Newtown Road (where Park Lane turns into Forge Lane). Park Lane is subject to a 40mph restriction and double yellow lines along the full length of the northbound carriageway and for part of the southbound carriageway either side of the access to Hilltop.

2.3. [Site Location](#)

3. [Planning History](#)

3.1. 19195010 – Temporary building for golf professionals shop/office golf & football changing rooms and toilets – Approved 29/11/1979

3.2. 19195005 – Public open space and golf course – Approved 23/09/1973

4. [Consultation/PP Responses](#)

4.1. Adjoining occupiers, local councillors and local MP notified as well as site and press notices displayed.

4.2. 17 objection letters have been received raising the following concerns:

- Current operators have run down the course, increased the prices, not looked after it or advertised it properly
- The Club has 80 members (not 30) and 4 competition days per week
- Membership before the current operators was 400
- The existing course is not cramped or conflicting
- Impact on traffic, pedestrians and horse riders from moving large quantities of waste onto site on narrow roads
- Accidents will increase and have severe consequences
- No traffic calming is proposed during the works
- Impact on school children using the playing fields
- Increase in dust from hardcore and traffic, increase in noise from traffic
- Effect on the 5 houses which are beyond the club house

- Potential for further pollution (previously in 2016) from high volume kerosene fuel pipes that run under the golf course
 - Impact on Green Belt and wildlife from runoff from the waste, noise, lighting and importation of materials specifically Oystercatchers and Buzzards
 - Floodlit driving range is not in keeping with the beauty of Sandwell Valley
 - The Council have a moral obligation to continue to provide an 18 hole golf course on this site
 - Will remove only public 18 hole course from North Birmingham and remove the ability for people to obtain a handicap at this course
 - No need for a footgolf course as there is one within 2 miles which can be accessed on foot and by public transport
 - Other land owned by BCC adjacent to the golf course should be used to provide the driving range
 - A further 21 day statutory period should be given following receipt of additional information
- 4.3. Following receipt of the additional information from the agent these additional comments have been received from 3 of the objectors:
- The course should not be closed until planning permission is granted
 - Do not trust Mytime to re-open the course
 - Mytime are importing classified waste at Oakland golf course
 - Mytime will financially benefit, disregard to tax payers
 - Mytime are not promoting golf at Hilltop and have not run charity events
 - Cannot compare membership with Pype Hayes and Hatchford Brook as those clubs have gym facilities which increase member numbers
 - Membership numbers at Pype Hayes and Hatchford Brook are not correct
 - Pro golfers will not want to play a 9 hole course
 - Golfers will not want to use practice on the driving range and then be limited by the 9 hole course
 - Questioned the popularity of footgolf
 - Disabled parking should be provided in the main car park
- 4.4. One letter of support has been received commenting that a driving range would be a major attraction.
- 4.5. Handsworth Wood Residents Association – Flood lit areas could be problematic if there are nearby properties. In principle it sounds a welcome amenity. Possibly there are links with an event in 2022.
- 4.6. Transportation Development – No objection subject to conditions to require a Construction Traffic Management Plan, satisfactory visibility at the access to the car park and the provision of the parking spaces and cycle storage. The proposal would likely to increase traffic to/ from the site compared to the existing use at the site. However, the level of increase in traffic during highway peak periods would unlikely to be significant to have severe impact on surrounding highways.
- 4.7. Sport England – The proposed development does not fall within either statutory remit or non-statutory remit, therefore Sport England has not provided a detailed response in this case.
- 4.8. Regulatory Services – No objections subject to conditions relating to hours of construction, no burning during construction, details of the lighting, a contamination watching brief, unexpected contamination and the importation of materials.

- 4.9. LLFA – No objections. The development may require an Environmental Permit from the Environment Agency for the inert waste operation, and surface water from the site is discharged to the River Tame which is also regulated by the Environment Agency. Note that the information submitted in support of the flood risk assessment demonstrates that there will be a net reduction in impermeable area (0.15ha), and that any overland flow routes will be contained within the development site. The proposed drainage infrastructure will prevent an increase in discharge into the River Tame. The drainage strategy illustrates that additional ponds and swales will be incorporated within the development site in line with the requirements of TP6 of the adopted Birmingham Plan.
- 4.10. Severn Trent Water – No objections subject to conditions requiring details of the foul and surface water drainage.
- 4.11. Environment Agency – No objection. The risk to controlled waters from this development is low and no further remediation is required. The presence of Glacial Till over the majority of the site will likely act as a relatively impermeable layer to protect the secondary A aquifer. However, as some areas are more permeable deposits recommend an unsuspected contamination condition.

Recommend the applicant discusses the proposal to import material under CL:AIRE DoWCoP protocol with the Environment Agency and provided advice for the developer. Concerned about the quantity and quality of inert material proposed to be brought onto site and question how this quantity was estimated, whether CL:AIRE is appropriate given each new donor site would require analysis and the screener proposed may require an EA permit.

- 4.12. Natural England – No objection.
- 4.13. West Midlands Police – Recommends the works are carried out to the standards laid out in the Secured by Design ‘Commercial 2015’ guide, the installation of CCTV, an intruder alarm, lighting be designed to the standards in ‘Lighting Against Crime’, landscaping be designed to ‘Secured by Design’ standards and that a landscape maintenance plan be the subject of a condition.
- 4.14. Access Birmingham – Concerned that the Design and Access Statement does not include any information about access and facilities for people with disabilities as recommended in the Council’s Access for People with Disabilities SPD. Golf in its varied forms is a sport that can be enjoyed by people with disabilities and it is hard to find any information of facilities in the proposed club house.

5. Policy Context

- 5.1. The following policies are applicable:
- Birmingham Development Plan 2017
 - Birmingham Unitary Development Plan (saved policies)
 - Car Parking Guidelines SPD
 - Places for All SPD
 - Access for People with Disabilities SPD
 - Floodlights of Sports Facilities SPG
 - Nature Conservation Strategy for Birmingham SPG
 - Revised National Planning Policy Framework 2019

6. Planning Considerations

Policies and principle of development

- 6.1. Mytime Active manage the site on behalf of Birmingham City Council. The Council Leisure Services Manager has confirmed that this is under contract and that Mytime manage all 7 Council golf courses.
- 6.2. The submitted Planning Statement advises that Mytime membership at Hilltop is significantly under subscribed, the more recently submitted information from the agent confirm the Mytime membership at 32 people. They acknowledge that Hilltop has a separate members club to which there are more members and that the course has approximately 80 people who play regularly. In comparison Hatchford Brook and Pype Hayes golf courses, which are both managed by Mytime and owned by the Council, have over 300 members each. Over the last 12 months Hilltop has been played approximately 17,000 times whereas other, Mytime managed Council golf courses, are played around 35,000 times a year. Mytime advise that the number of members and the number of games played would need to increase to a level comparable to other Council courses to make Hilltop financially viable as an 18 hole course.
- 6.3. Currently Hilltop provides one leisure facility – an 18 hole golf course which takes approximately 4 to 5 hours to play. The proposal is to remove the 18 hole course and replace it with 4 facilities – an 18 hole footgolf course which has an average play time of 2 hours and is more family and group play friendly; a 9 hole course with a play time of around 1 hour and therefore suitable for people with less time, families and schools; a driving range; a putting green, chipping green and teeing area, both of which provide areas for learning and practicing golf skills.
- 6.4. I acknowledge that the proposed development will result in the loss of an existing 18 hole course and will impact the ability of the current members (both Mytime and Hilltop members) to play golf. This impact needs to be balanced against the wider range of activity available through the proposed scheme and the potential for the proposed development to help towards the BDP vision for encouraging better health and well-being through sport and recreation.
- 6.5. In response to objector's comments that Mytime have run down the club and not invested the same as they have at other courses the Council Leisure Services Manager has advised that Hilltop was the worst performing Council course before Mytime took on the contract. Mytime entered into discussions with Leisure Services early after taking the contract to determine what could be done with the course and as such Leisure Services accept that investment at Hilltop has been limited as both Mytime and Leisure have been considering options for redevelopment.
- 6.6. Paragraph 91 of the NPPF advises that planning policies and decisions should enable and support healthy lifestyles and paragraph 92 sets out the aims of National Policy to provide recreational facilities. This is expanded in the BDP in Policy TP11 which supports and promotes the provision of facilities for people to take part in formal and informal activity and resists development on sports and recreational facilities unless an equivalent or better quantity or quality replacement provision is provided. TP11 also supports the expansion and/ or enhancement of existing facilities.
- 6.7. TP11 is also worth noting in relation to the balance of the loss of the 18 hole course against the proposed facilities in that the policy advises that "The City Council will keep the provision of sports facilities within the city under review in the light of

changing demand and preferences, and where deficiencies and oversupply are identified in an up-to-date assessment will aim to work with partners to address this". Mytime are not seeking to put forward an argument of oversupply of golf courses, however, as noted above, Leisure Services have confirmed that Hilltop was under-performing before Mytime took the contract.

- 6.8. The proposed development does not result in the loss of the site as recreational facilities, it changes the offer at the site, but results in more on offer whilst still being golf related facilities. As such I consider that the proposal complies with the principles of TP11, and the NPPF, in retaining recreational land, providing better quantity and quality facilities and responding to changing preferences.
- 6.9. As noted above the site is within the Greenbelt. As such paragraphs 134, 141 and 145 of the NPPF are relevant. 134 sets the 5 purposes of the Greenbelt; to check unrestricted sprawl, prevent towns from merging, safeguard the countryside from encroachment, preserve the setting of historic towns and assist in urban regeneration. 141 sets out a positive approach to enhancing Greenbelts which includes providing access, opportunities for sport and recreation and enhancement of landscape, amenity and biodiversity. Inappropriate development in the Greenbelt is specifically resisted through the NPPF and new buildings are inappropriate in the Greenbelt. However paragraph 145 provides 7 exceptions to this. Exception b) relates to development for the provision of facilities for outdoor sport and recreation, providing the facilities preserve the openness of the Greenbelt.
- 6.10. Policy TP10 of the BDP reiterates the presumption against inappropriate development in the Greenbelt whilst also encouraging measures to improve public access and supporting schemes for outdoor sport and recreational facilities (providing they preserve the openness of the Greenbelt).
- 6.11. The application site is an existing golf course within the Greenbelt and as such I consider that the proposal therefore complies with the principles set out in the NPPF and BDP. The redevelopment of the golf course for alternative golf facilities is not inappropriate development. The key issue in regard to the impact on the Greenbelt is therefore whether the proposed works, and specifically the construction of the driving range building and car park, will have a greater impact on the openness of the area.
- 6.12. A Landscape and Visual Impact Statement has been submitted with the application which assesses the visual impact of the proposed development. The existing golf course has no public rights of way crossing it, there is the access road to the houses beyond, but this is private. Currently there are limited views into the site from the wider area, the nearest residential properties are 240m from the site but with a woodland belt in-between. Hamstead is over 1.5km away and the Forge Mill and Swan Pool nature reserves both have limited views towards the site due to the existing landscape screening.
- 6.13. The statement has carried out an assessment of potential views and includes a number of photographs showing that the site will not be visible. These show winter views and as such are accepted as a worse case scenario. Views of the development will be possible from within the site and the road to the houses. However, people within the site are already viewing the development in a leisure setting and the users of the driveway are transient and short term. There will also be some short term views of the construction compound from the adjacent sports pitches, but this will be removed once the development is completed.

- 6.14. Overall the statement concludes that the development will not create visual disharmony, will be in keeping with the current golf course landscape and will be screened from sensitive receptors.
- 6.15. In addition the submitted Heritage Statement acknowledges that the site is within the Sandwell Valley landscape character area which is dominated by recreational land and the River Tame valley but also has the M5 as a prominent feature. The Heritage Statement also suggests that, in the applicant's opinion, the development will not impact on the openness of the Greenbelt as it will continue to be used for recreational use and the driving range building is a low lying structure.
- 6.16. The submitted reports have been considered by the Council Officers and specialists in Conservation and Landscaping and I agree with their recommendations that the proposed development will not have an adverse impact on the openness of the greenbelt.

Proposed groundworks and importation of material

- 6.17. Within the latest information submitted the agent has confirmed that the proposal will require the importation of 250,110 cubic meters of material. Throughout the submitted documents the proposal is to import the material through the CL:AIRE Code of Practice. CL:AIRE is an acronym of Contaminated Land Applications in Real Environments which is an independent, not-for-profit organisation, who develop best practice guidance in association with the Environment Agency and Homes England. The Code of Practice (CoP) requires the materials to be imported to be clean, uncontaminated material such as soil, stone and earth. Compliance with the CL:AIRE CoP can only be used for clean material and not waste as the process is intended to negate the requirement for an Environment Agency permit. The applicant, by proposing to use this procedure, considers that the development is not a waste management or waste disposal proposal.
- 6.18. The Construction Environmental Management Plan (CEMP) advises that the materials are to be checked on departure from the providing site, checked on arrival at the application site and further checked during unloading and use. A Soil Management Plan has also been provided which provides greater detail of the requirements of CL:AIRE CoP and the requirement for record keeping to show where the materials have been deposited and verification reports. The Soil Management Plan also confirms that the proposal is to strip the existing topsoil off the site and store it for re-use on top of the imported material.
- 6.19. However, as noted in section 4 above, the Environment Agency, LLFA and my Regulatory Services advisor all consider that an Environment Agency permit for importing waste material may be required for the proposed development. These views have been reached due to the amount of material to be imported and on the basis that, at this time, neither the applicant nor the Council or EA know where the material is coming from. My Regulatory Services advisor has raised concerns that there is not sufficient material that could be classed as clean enough for CL:AIRE in Birmingham or the surrounding area. The cleanest material is already sought after by developers and the majority of development sites in Birmingham are brownfield sites.
- 6.20. Regulatory Services have advised that, as the site is to be used for leisure facilities, the material does not have to be as clean as it would for domestic garden topsoil and this could still comply with CL:AIRE. However the concerns about availability remains and the need for an EA permit is still disputed by the applicant. This is not a matter which the Local Planning Authority, or members in making a decision on

this application, can resolve before making the decision as it is not possible for the applicant to detail where the material is coming from at this time. At this time I therefore recommend imposing a condition to require the work to be carried out under CL:AIRE CoP information to the Council, during the development work, to prove CL:AIRE CoP, as that is what the applicant has applied for. The condition should require the submission of details of where the material is to be brought from and confirm it complies with CL:AIRE. The information will need to be checked by Regulatory Services Officers and any waste discovered may trigger the need for an EA Permit. I accept that this may cause members some concern but I advise that there is no other means of resolving this issue prior to a decision being made and as such it would not be appropriate to either refuse the application or defer for more information as this information is not available.

- 6.21. The work is predicted, in the submission, to take 36 months and will then need a further 18 months of profiling and seeding. Leisure Services are seeking to impose separate restrictions on the work to seek to shorten this time period. However, as with all planning applications, it would not be appropriate or legally sound to impose a condition to require the work to be completed in a set time period. This matter should be left for the contract with Leisure Services to manage.

Proposed driving range building

- 6.22. The proposed driving range is the only built structure within the application. The building is to be open frontage, facing over the driving range outfield, with the other three sides timber clad. It is proposed to be 72.39m long and 9m deep with a maximum height of 3.94m on a shallow mono-pitched roof. The building will provide 22 bays thereby allowing 22 players at any one time.
- 6.23. Following advice from my Landscape Officer the timber cladding has been altered to vertical cladding with varying widths. This will further reduce the visual appearance of the building as the vertical cladding and varying widths helps to break up the appearance when viewed in a landscaped setting such as the golf course. I consider that the design and scale of this structure is acceptable for its intended use, appropriate for a golf course facility and will not impact on the openness of the greenbelt.

Highway impact and vehicle movements

- 6.24. A Transport Statement (TS) has been submitted with the application. The TS focuses on the construction traffic. Post construction traffic is predicted, using TRICS data, to be 54 movements per day. The majority of these will be private car movements from customers visiting the facilities at the site. This level of traffic would be similar to an 18 hole golf course with a greater membership. The level of traffic will be greater than existing as the current course is functioning poorly and does not have the number of players that other clubs have.
- 6.25. The proposed scheme includes the relocation of the car park from its current position adjacent to the access off Park Lane further up the access driveway closer to the clubhouse. The relocation of the car park will result in better natural surveillance of vehicles. The current car park is only available for use by golf course customers and as such I have no objection to its relocation. The proposal is to provide 100 parking spaces which will be a reduction in the level of car parking available at the site, however the current car park area is significantly over provided and I consider 100 spaces is sufficient given the predicted traffic movements noted above.

- 6.26. The existing car park will be used as the construction compound during the works to the course as it is existing hard standing with access off the driveway. The proposed work includes removal of the hard standing from the existing car park and this land will be integrated into the footgolf course and surrounding landscaping.
- 6.27. During construction the TS predicts 86 two-way HGV movements, plus 5 staff cars per day. The access will remain via the existing vehicular access and into the existing car park. The existing car park will serve as the construction compound during the works with all vehicle parking requirements accommodated within this area. As such, during construction only the initial section of the driveway off Park Lane will be shared with the residents who live beyond the clubhouse. Post construction the driveway will return to being shared up to the clubhouse and the new car park.
- 6.28. A Construction Management Plan has also been submitted which recommends wheel cleaning facilities within site to reduce the dirt on the public highway, however regular cleaning of the access road and Park Lane should also be carried out when necessary. The imported material is to arrive on covered vehicles, be off-loaded within the application site and all HGVs will be required to check-in and check-out through the construction compound office and weighbridge. The applicant expects the Council to impose conditions on any consent to require the submission of a construction traffic management plan to detail the routing, any highway signage and any give way arrangements and this has also been recommended by my Transportation Officer as he has noted the objections and concerns raised by local residents.
- 6.29. Overall my Transportation Officer has raised no objections. I note the concerns from local residents about the impact of traffic during construction and the lack of detail of traffic management/ calming. However, as advised by Transportation these matters can be controlled through a Construction Traffic Management Plan (CTMP) which will need to be submitted to the Council for approval. The CTMP will need to include details of temporary signage and routing and any traffic calming required. Overall Transportation advise that the increase in traffic to and from the site will not result in a severe impact on the surrounding highway network and as such I advise that a refusal on transport or highway grounds would not be defensible. The CTMP will ensure that the impact is minimised and ensure that the work is carried out appropriately.
- Drainage and contamination*
- 6.30. Due to the size of the application site a Flood Risk Assessment has been submitted with the planning application. This advises that the site is within flood zone 1 and has a low risk from flooding from all sources. The River Tame is 15-20m to the north, in the valley. The existing surface water drainage discharges naturally through the ground to ponds on the northern boundary of the site with outfall to the river.
- 6.31. The proposed scheme will reduce the area of hard standing by 0.15ha and a rainwater harvesting system is proposed to be installed which will collect the rainwater from the driving range in two new ponds. This water can then be used to supply the course watering system. Overall the FRA concludes that the proposed ground works will not alter the existing surface water runoff or overland pathways.
- 6.32. The LLFA have no objection noting that that importing of the material may require an Environmental Permit (or exemption) from the Environment Agency. Furthermore, they consider the net reduction in impermeable area and the containment of the

overland flows within the site through additional ponds and swales will prevent an increase in surface water discharge, not result in an increased risk of flooding and will comply with the requirements of TP6.

- 6.33. A Phase 1 Contamination Land Study has been submitted with the application which my Regulatory Services Officer has accepted the content of. Conditions are recommended to require an ongoing watching brief and also processes for dealing with any unexpected contamination discovered during the work. I agree that these conditions are reasonable and necessary.

- 6.34. The concern raised by an objector, that the development may result in pollution from the high volume kerosene fuel pipe which runs under the golf course is noted. However, with the exception of the stripping of the topsoil the proposal does not involve any excavation of existing ground. The new facilities are to be created by importing material on to site rather than cut and fill and the proposal does not represent a change of use. As such I do not consider that there is a high risk to the pipe. The Council have consulted with the Health and Safety Executive but no comments have been received.

Impact on amenity of neighbouring dwellings

- 6.35. As noted above, the access to the golf course (off Park Lane) also serves as access to 5 houses (previously a farmhouse and farm buildings). These are the nearest neighbouring residents to the development and the properties that will be most affected by the proposed works. A Construction Environmental Management Plan (CEMP) has been submitted with the application which notes that there are also partial views of the site from residential properties on Tanhouse Avenue, Highfield Road and Greenfield Road.
- 6.36. The CEMP recommends construction hours, which the Council Regulatory Services Officer has amended to be in line with BCC standards (08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday). It also recommends loads of imported material are checked on arrival (to ensure compliance with CL:AIRE), the provision of on-site weighbridge and wheel wash facilities, that the site is secured with fencing and lockable gates at the entrance, that lighting is limited to the site portacabin/ reception and wheel wash areas, that white noise reversing alarms are required and measures are imposed to prohibit fires, control dust, prevent fuel storage and ensure that there are procedures for dealing with incidents. The Regulatory Services Officer has queried the detail of the CEMP but considers the queries could be resolved through condition.
- 6.37. As noted in the CEMP the golf course is to be closed and enclosed with fencing. This will be along the western side of the access driveway which serves as access to the houses. Their access will not be closed and, although they will share the initial section with construction traffic, during the work it will be solely for their use beyond the access to the construction compound. Regulatory Services have requested a noise survey and raised concerns about the potential impact from noise, however the nearest residential dwelling is approximately 240 away from the edge of the golf course with existing woodland between and the CEMP proposes construction fencing. As such, subject to compliance with the CEMP, including screen fencing, and the hours condition recommended by Regulatory Services I am of the view that the development of the site will not have a significant adverse effect on the amenities of nearby residents.
- 6.38. Consideration also needs to be given to the impact of construction traffic on residents and other sensitive receptors along the HGV routes to the site during

construction. However, as noted previously in this report the construction traffic movements will not result in a severe impact on the local highway network. Subject to the Construction Traffic Management Plan including routing for HGVs the impact on receptors can be managed.

- 6.39. Following completion of the works the application proposes that the driving range will be open from 7:30am to 9:45pm. Lighting, post construction, is proposed on the driving range building and outfield and, following the advice of West Midlands Police, will be required in the car park. The driving range has been orientated so that the open side, and therefore the floodlighting, is screened by the structure. The outfield lighting is within the ground and neither lighting will spill beyond the driving range. Lighting of paths and the car park will need to be low level lighting so as to provide security and allow surveillance but so as not to adversely affect the character of the wider area or ecology. A condition is recommended to require the details of the lighting to be submitted for approval prior to their installation.
- 6.40. The use of the site will remain as leisure uses and although the number of people on site may increase this will not result in an unacceptable impact on the amenities of the residents of the area.

Impact on heritage

- 6.41. A Heritage Statement has been submitted with the application which notes that there are 20 heritage assets within 2km of the site, 1 scheduled ancient monument, 1 GRI listed building, 5 GRII listed buildings and 13 non-designated. The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979 are therefore both material considerations and provide criteria against which the proposals should be considered.
- 6.42. The Heritage Statement considers that there is potential for unknown archaeological remains to be within the site and recommends geophysical surveys and trial trenching. However, my Conservation Officer has confirmed that the archaeological site lies outside the application area and will not be impacted by the development. The previous works to create the current golf course are likely to have disturbed any other remains that may have been present within the application site and as such the current scheme is not considered to have an impact on archaeology.
- 6.43. With regard to listed buildings the Heritage Statement advises that there is slight harm from the development to the GRII listed barn, cottage and garden wall at Park Farm which are within the Handsworth golf course to the north of the site. The construction of the proposed development will have temporary effects (noise and light) but post completion there will be negligible impact as the setting of the listed buildings will remain that of recreational land. Screening during the construction work is therefore recommended.
- 6.44. The other listed buildings are not impacted due to limited views and separation distances. Overall the setting of all the heritage assets, post construction, will remain that of recreational land and as such the impact on heritage assets is less than substantial. My Conservation Officer has advised that the impact on the setting of the listed buildings in the surrounding area is neutral as the application site is already a golf course. I concur with this view and the proposal complies with the relevant parts of local and national policy and the consideration has been carried out in accordance with the legislation detailed above.

Ecology and trees

- 6.45. A Preliminary Ecological Appraisal Report (PEAR) has been submitted with the application. The report details the desktop and site surveys carried out. As noted above, the site is within Greenbelt with Forge Lane Local Nature Reserved, Prior Woods/ Sandwell Valley Local Nature Reserve, Handsworth Golf Club and agricultural land immediately surrounding the site. There are also 6 Sites of Importance for Nature Conservation, 5 Sites of Local Importance for Nature Conservation and 36 Potential Sites for Importance (including Hilltop golf course itself within 2km of the site).
- 6.46. The PEAR advises that, as part of Sandwell Valley, the site contains habitats that are important for connecting other areas of importance. There is a mix of woodland and mown grassland within the application site. A bat roost assessment has been carried out and the trees with the greatest potential for providing bat roost habitat have been retained and bat boxes and appropriate lighting recommended. The site currently contains a small area of badger foraging habitat which will be lost as part of the development. However the area is not significant and the habitat which will be created through the proposed development will mitigate the loss.
- 6.47. On site surveys were carried out to understand the potential impact on reptiles. No signs were present during the surveys and as such the scheme is not likely to significantly impact reptiles. New habitat will be created that will enhance the site. Great Crested Newt (GCN) surveys were also carried out due to the presence of 7 ponds within 250m of the site and no evidence was found of GCN. Precautionary measures are recommended during construction works and enhancements, in the form of wildflower planting, refugia and native species planting around and within the proposed ponds, are recommended.
- 6.48. The PEAR also recommends the provision of nesting boxes for birds. In conclusion the PEAR advises that, subject to precautionary measures during the development work, the proposal will not have a detrimental impact on protected species and will enhance the habitats within the site. As such the scheme will not have a detrimental impact on the designated sites in the wider area.
- 6.49. In addition the submitted Construction Ecological Management Plan makes recommendations to protect ecology during construction. These recommendations included tree protection to create construction exclusion zones, tree and shrub clearance outside of nesting season (or with a pre-commencement check), lighting to comply with Bat Conservation Trust guidelines, topsoil to be stripped and stored away from hedges and trees, site toolbox talk, regular visits by an Ecological Clerk of Works and a maintenance schedule for the planting and bat/ bird boxes proposed.
- 6.50. Following the receipt of initial comments from the Council Ecologist a Himalayan Balsam method statement, detailing instructions on dealing with this invasive species has also been submitted. My Ecological advisor has been consulted on the information submitted. At the time of writing the report no comments have been received. Members will be provided with an update on this issue but, given the detail in the PEAR and the proposed additional planting and habitat creation, I do not consider that ecology is a constraint on the proposed development.
- 6.51. An Arboricultural Impact Assessment has been submitted which advises that there are no TPO'd trees within the site. The report has assessed all of the existing trees within and on the edge of the site. T1-T3 are a group of 3 Oaks, the largest and oldest trees within the golf course which the consultant suggests are likely to date from the previous farmland use. T4 and T5 are Sycamores, there are 3 Birch and 3

Norway Maple. To the south of the site, adjacent to the car park, are a group of Norway Maple, Horse Chestnut and Red Oak. In addition to these there are 11 groups of trees, all dating from the original construction of the golf course.

- 6.52. The proposed ground works will require the removal of a number of trees: 2 Norway Maple both of which have exposed roots and therefore class C trees, 1 Horse Chestnut which is class U due to storm damage, 1 class U Sycamore with squirrel damage and poor form and one group of trees (G6 – category B) to enable the construction of the lake. All 11 groups of trees are to be thinned by 25% to promote better growth of the retained trees. In total the Landscape and Visual Impact Statement notes the removal of 122 trees.
- 6.53. Reference is made to the number of new trees to be planted within the submitted Planning Statement and the Landscape and Visual Impact Statement. 9,673 new trees are to be planted across the site which will result in 21,784sqm of additional woodland.
- 6.54. My Tree Officer has advised that the majority of the trees to be removed are characterised as early-mature and likely to be only partly established. The mature trees, internal areas of original woodland and those that screen the site are untouched by the proposals. Furthermore, the proposed landscaping will see substantial replanting of native woodland areas that will complement the new water bodies and existing landscaping. The effect will be to “fatten” and link the existing linear woodlands which will be a positive benefit of the proposed development.
- 6.55. I concur with the Tree Officer and consider that the retention of most of the existing landscaping and the proposed planting will enhance the tree cover and is a benefit in the overall planning balance. Conditions are recommended to ensure the landscaping is carried out and suitably maintained as well as conditions for tree protection during the development. The landscaping proposals will also further enhance the ecological habitats on the site. Overall, the scheme complies with policies TP7 and TP8 in regard to this matter.

Other matters

- 6.56. Crime – The advice from West Midlands Police has been passed to the applicant to consider what could be provided within the site to improve security and reduce crime and disorder. However, care needs to be taken to ensure that any security measures do not result in an adverse impact on the greenbelt, the general character of the area and the amenities of the residents.
- 6.57. Accessibility – The Planning Statement advises that all of the new facilities would be wheelchair accessible which will be an improvement on the current course situation. At this stage no changes are proposed to the clubhouse and other buildings, some general repairs and maintenance may be carried out, but this work would not require planning permission. The improved accessibility is also a benefit of the proposed development which should be given weight.

7. Conclusion

- 7.1. The proposal will provide a wider range of golf related leisure activities within the application site which further encourages recreation and activity amongst residents of Birmingham. The work required to create the facilities, including the construction of the driving range building, new car park, ponds and regrading of the ground, will not impact on the openness of the greenbelt. Furthermore, the development will not have an impact on heritage assets and has been considered against the Planning

(Listed Buildings and Conservation Areas) Act 1990 and the Ancient Monuments and Archaeological Areas Act 1979.

7.2. Subject to conditions controlling construction traffic management and noise, the development will not have a severe impact on highway safety or the amenities of neighbouring residents either during or post construction. The scheme includes substantial new planting and biodiversity enhancements and also reduces both surface water outfall and the water usage on the site through a rainwater harvesting system.

7.3. Overall, the proposal complies with the policies in the Birmingham Development Plan, National Planning Policy Framework and other supplementary planning documents.

8. Recommendation

8.1. That planning permission is approved subject to the following conditions:

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- | | |
|----|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires work to be carried out under CL:AIRE CoP |
| 3 | Limit construction and earthwork hours to 08.00-18.00 Monday to Friday, 08.00-13.00 on Saturday and no work on Sunday or bank holidays |
| 4 | Requires the prior submission of a construction method statement/management plan |
| 5 | No burning during construction |
| 6 | Requires the prior submission of a construction ecological management plan (CEcMP) |
| 7 | Requires the submission of unexpected contamination details if found |
| 8 | Requires the prior submission of a sustainable drainage scheme |
| 9 | Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan |
| 10 | Requires vehicular visibility splays to be provided |
| 11 | Requires the parking area to be laid out prior to use |
| 12 | Requires the submission of cycle storage details |
| 13 | Requires the provision of a vehicle charging point |
| 14 | Requires the submission of sample materials for driving range |
| 15 | Requires the submission of hard and/or soft landscape details |
| 16 | Requires the submission of a landscape management plan |
| 17 | Requires the submission of a lighting scheme, including floodlighting to the driving |
-

range

- 18 Limits the use of the floodlighting
 - 19 Requires the prior submission of a method statement for the removal of invasive weeds
 - 20 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 21 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 22 Requires the prior submission of security measures
 - 23 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)



Existing car park







Golf course

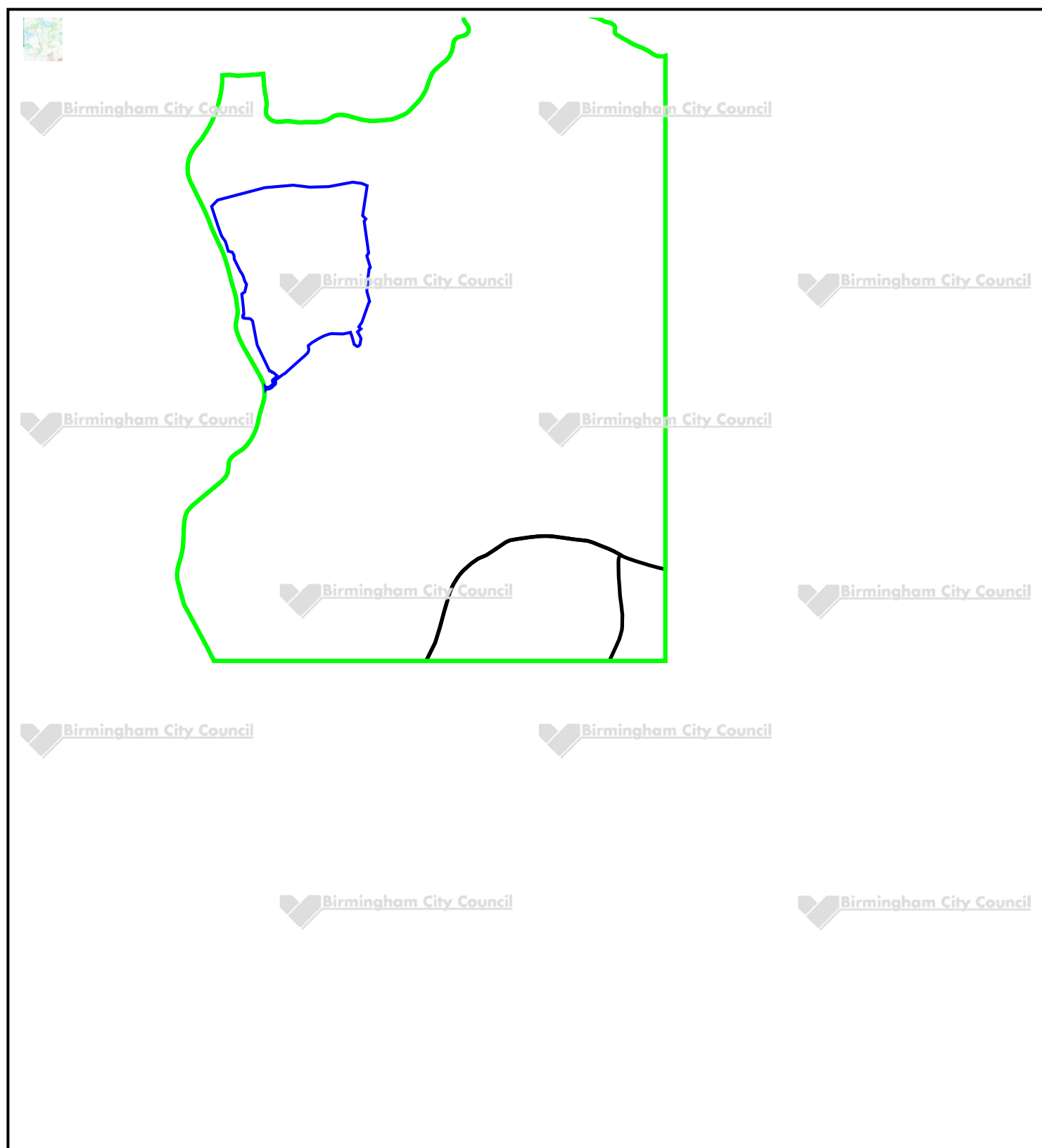


Clubhouse

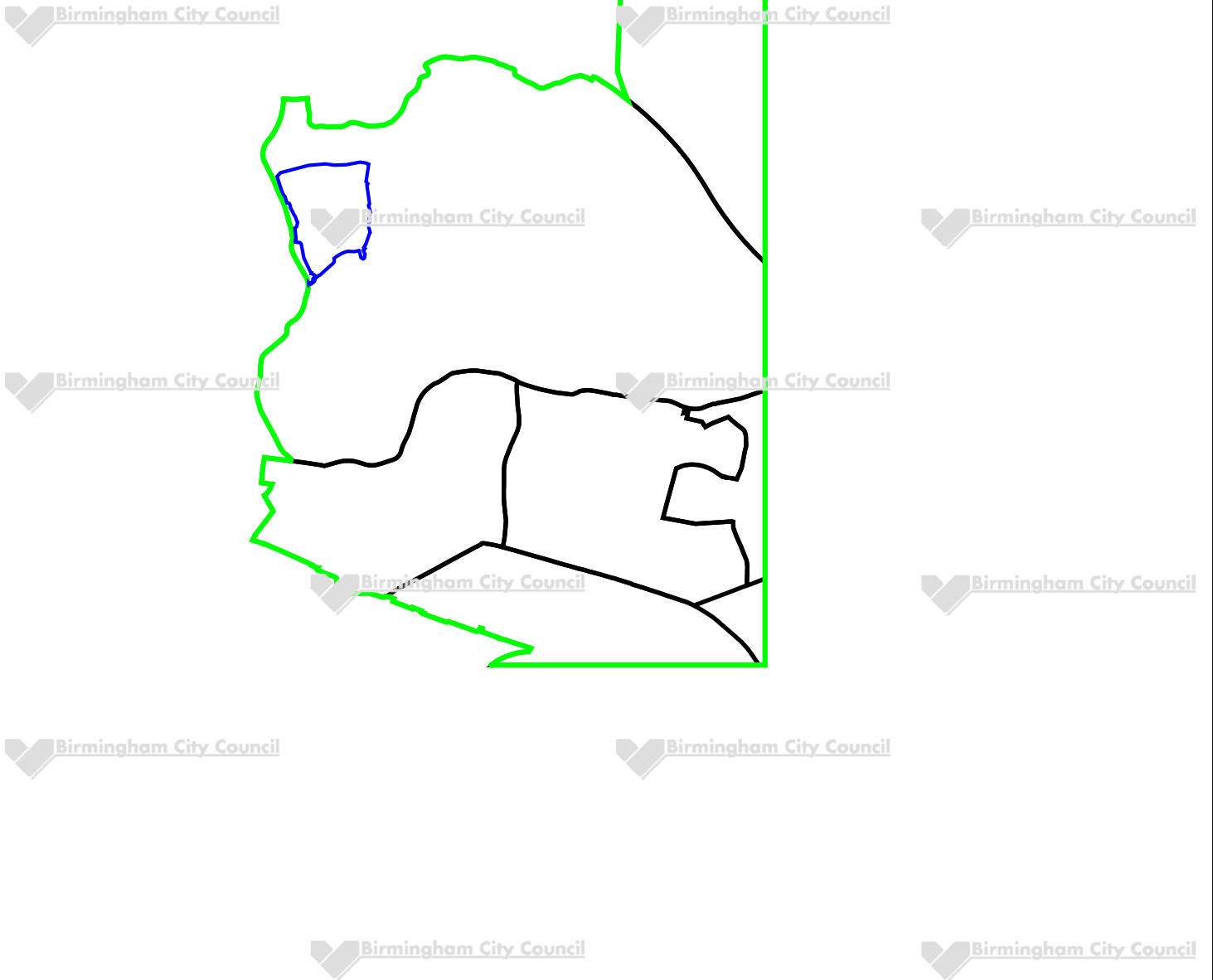


Driveway

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/04797/PA
Accepted:	07/06/2019	Application Type:	Full Planning
Target Date:	20/12/2019		
Ward:	Soho & Jewellery Quarter		

2 Nineveh Road, Birmingham, B21 0TU

Change of use from warehouse (Use Class B8) to retail (Use Class A1) with external alterations

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. The application proposals seek a change of use from the site's existing use warehouse (Use Class B8) to form a small local supermarket store (Use Class A1), with a retail floor space figure of 1,178sqm. The application would also comprise minor external alterations, with alterations proposed to its primary access off Nineveh Road.
- 1.2. The application site is proposed to be used as a small supermarket, with 18no. customer parking spaces proposed within its east facing forecourt area; 2no. of which would be disabled spaces. The existing forecourt would be altered to provide a new wider vehicular access from Nineveh Road, with a second access point for pedestrians, created further north of the site's east facing frontage.
- 1.3. No new floor space would be created as part of the proposals.
- 1.4. The building's eastern elevation would be altered as part of the proposals in order to create new customer entrance points.
- 1.5. The application is supported by a Planning Statement and a Transport Statement.
- 1.6. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated on the western side of Nineveh Road, Birmingham and situated within the Soho Road District Centre.
- 2.2. The application site is bound by Tara Lane to its west, residential dwellings and a nursery to its south and a terrace of retail units to its east. To the site's north lie a number of commercial uses, with the closest being a desert shop. The site is sited approximately 100m away from the junction between Soho Road and Nineveh Road sited to its north.
- 2.3. Access to the site is off Nineveh Road, providing both vehicle and pedestrian access.

- 2.4. The site measures 0.2087 hectares.
- 2.5. [Link to site location plan](#)
3. Planning History
- 3.1. 2013/00563/PA - Demolition of storage building, change of use from wholesale warehouse (Use Class B8) to retail (Use Class A1) including 8 starter units, installation of new shop front, alterations to front elevation and formation of car park to front incorporating new footway crossing – approved with conditions.
4. Consultation/PP Responses
- 4.1. 5no. objections were received following the neighbour consultation issued by the Council. These raise the following points of objection:
- Development will have adverse impacts upon highway safety and lead to an increase in congestion;
 - Development would lead to adverse impacts for pedestrian safety and increase the risk of fatalities; and
 - HGV movements etc. would increase within the area, leading to traffic concerns.
- 4.2. A petition raising objections to the development proposals has also been received; which has 118 signatures. These raise objection to the proposals on the basis of the below concerns:
- Increased number of HGV and other vehicles will be using roads within the area, leading to congestion and thereby impacting pedestrian and highway user safety;
 - Increased litter within the area; and
 - Increased levels of air pollution within an already highly polluted area.
- 4.3. Transportation Development: Raise no objection, subject to conditions relating to:
- Redundant footway crossings being reinstated;
 - Highway works including new access and yellow marked box;
 - Pedestrian and vehicular visibility splays;
 - Times of delivery and opening hours;
 - Car park management plan;
 - cycle storage;
 - Construction traffic management plan; and
 - Travel plan.
- 4.4. Regulatory Services: Requests an air quality assessment and if minded to approve, subject this to conditions relating to; extraction/plant equipment, delivery methods, hours of use and lighting.
- 4.5. West Midlands Police: Raise no objection and recommend the site to use a number of safety measures, including the use of CCTV.
- 4.6. Employment Access Team: Raise no objection subject to a condition requiring the applicant employ local people during the construction phase of the development.
- 4.7. Lead Local Flood Authority: Raise no objections to the development proposals.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for All (SPG), Car Parking Guidelines SPD, NPPF and Shopping and Local Centres SPD.

6. Planning Considerations

Loss of existing industrial land (B8 use):

- 6.1. As part of the development proposals, the existing B8 warehouse use would be lost on site to allow for the proposed A1 Use. However in this instance, as the application site falls outside of a Core Employment Area, TP20 of the BDP will apply. This states that proposals for the change of use of employment land to other uses outside of Core Employment Areas will only be permitted where the site is in a non-conforming use; or that the site is no longer attractive for employment development, having been actively marketed, normally for at least two years. The definition of a non-conforming use is provided in paragraph 5.2 of The Loss of Industrial Land to Alternative Uses SPD. This states that such sites usually consist of small (generally less than one acre or 0.4 hectares) isolated industrial sites within predominantly residential areas.
- 6.2. In this case, the application site measures 0.2hectares in size and although the surrounding uses are a mixture of both commercial and residential uses, there are not any similar industrial uses in close proximity to the application site. The site is also located within a defined District Centre where industrial uses would not normally be encouraged. Therefore, it is considered that the current industrial use does not conform to the surrounding land uses and so it constitutes a non-conforming industrial use, in accordance with the first criterion of Policy TP20; as such the loss of this existing industrial space is considered acceptable in this regard.

Proposed A1 retail use:

- 6.3. The application site lies within the Soho Road District Centre and is sited adjacent to the southern boundary of the Primary Shopping Area. Policy TP21 of the Birmingham Development Plan (BDP) will therefore apply. This states that centres are the preferred locations for retail development in the city and as such, developments of this nature would be supported within these locations. The application proposals are therefore considered to be sited within the Council's preferred location.
- 6.4. Policy TP22 of the BDP further supports such uses where they are located within the network of centres identified under Policy TP21, which the current proposals would further comply with. Policy TP23 of the BPD further supports small shops and independent retailing and whilst the proposal will not be of a small scale, the proposed development will support the requirement within this policy which is to provide a range of retail premises being within the city's existing centres. The development would therefore add to the vitality and vibrancy of the existing Soho Road District centre, resulting in linked trips to the area, which in turn would result in a positive use of the site and see an enhancement of the retail offer within the centre and the wider area as a whole; resulting in an increase to its vitality and vibrancy.
- 6.5. As such the proposed change of use of this building from its existing B8 warehouse use to form an A1 retail unit is considered acceptable, when considered against the

requirements of the BDP policies as set out above. The proposals will therefore need to be assessed against the various other sections of the BDP which include; design, highway and pedestrian safety, residential amenity and others. An assessment of these areas is set out below:

Design:

- 6.6. The application seeks the change of use of an existing building on site, with a small number of external alterations proposed. As part of these works the main buildings east facing front elevation would be altered to create new customer entrance points, and these are considered acceptable.
- 6.7. A condition requiring landscaping and boundary treatment details will be recommended to be attached to any subsequent planning consent. This is resultant to changes proposed to the site's east facing front boundary, in order to create a new access point. The instatement of a car park further allows the applicant to propose some new landscaping within the site, alongside opportunities for a landscaping buffer being erected along the site's frontage. As such, subject to the addition of these conditions the development proposals are considered acceptable in this regard.

Residential amenity:

- 6.8. The applicant is proposing delivery hours between 07:00 – 08:45 Monday to Saturday and opening hours of 09:00 – 21:00 Monday – Friday, 09:00 – 20:00 Saturday and 10:00 – 16:00 Sunday and Bank Holidays. Regulatory Services have not objected to the proposal (subject to conditions to restrict the opening and delivery hours), therefore I do not consider that the proposal would adversely affect the amenities of nearby residents. A further condition to control plant and ventilation equipment will also be attached to any subsequent planning consent.
- 6.9. It is further considered given the locality of the site, within an existing designated local centre, residents living in or on the edge of the centre would expect to experience more ambient noise associated with commercial uses, in the morning and into the evening, compared to a wholly residential area. As such in this case, given the site's location in a local centre, which already houses a number of commercial uses, it is considered that the proposals would not be too dissimilar in nature from existing premises within the area.
- 6.10. It should also be noted that the existing use of the site as an industrial use can be reinstated on site at any time and as such it is considered that the proposed use of the site as an A1 retail use would be more appropriate and suitable for the site's location when compared to the existing usage. This usage is also not controlled by way of conditions, whereas the current proposals would be controlled through an opening hours condition, an hours of delivery condition; alongside conditions to manage noise levels from plant equipment and machinery. Such conditions would be attached in order to safeguard the amenity of neighbouring residents.
- 6.11. I therefore consider that the development proposals would not unduly affect the amenity of neighbouring residential occupiers to such a level, which would justify the refusal of the current scheme. Adequate control mechanisms are also proposed to control the site's usage in terms of opening hours, a lighting condition and a condition to control the timing of deliveries. The development proposals are therefore considered acceptable in this regard.

Highway and pedestrian safety:

- 6.12. The applicant has submitted a detailed Transportation Assessment which includes vehicle tracking diagrams which demonstrate that the site is sufficiently large enough to accommodate delivery vehicles, subject to the car park being clear and closed to customers during these times (this will be controlled via planning conditions restricting the opening hours, alongside the hours of delivery). The assessment concludes that the proposal is unlikely to significantly increase traffic to and from the site compared to the previous use (B8), and that the existing highway network and junctions could adequately accommodate any increase. My Transportation Officer concurs with the contents of the submitted Transportation Assessment.
- 6.13. The retail unit would provide 1178sqm of retail floor space. Given the relatively limited amount of floor space, it is expected that the site would provide a local need for the surrounding population, rather than attracting visitors from a wider catchment area. Customers from the local area are likely to visit the application site as part of linked trips to the Soho Road District centre, thereby reducing car borne trips to the area. The District Centre is also surrounded by residential properties therefore a number of customers are likely to walk to the premises as opposed to drive. Soho Road is also well serviced by a number of bus stops and the Metro stop is also sited very close to the application site, and as such, it is not considered that the development would result in a large influx of new vehicular movements to and from the site.
- 6.14. An 18no. space car park would be available for customers and this has been considered satisfactory, given the size of the supermarket. In addition there is a private pay and display car park located approximately 30m to the east of the application site and a number of short stay parking spaces are also available on Soho Road. These car parking spaces would be available for customers throughout the opening hours of the supermarket. However, it should again be noted, given the limited retail floor space proposed and the fact that customers are only expected to visit the site for short durations, it is not expected that the development would generate a significant amount of vehicle movements. The applicant has also stated that employees would be encouraged to travel to the site via public transport and would not use the car park, leaving this available for the sole use of customers, at all times.
- 6.15. The applicant has further demonstrated in the Transportation Statement, that a range of delivery vehicles (10m rigid lorry and 10.7m small articulated lorry) could manoeuvre within the site and exit safely in forward gear when the car park is empty and closed to customers. The applicant has stated that the intention is to have most of the stock on the shop floor which would result in the supermarket being replenished more frequently by smaller vehicles compared to larger supermarkets. The supermarket would be replenished between the hours of 07:00 – 08:45 Monday to Saturday when the car park would be empty prior to the supermarket being open for customers. I therefore consider that all servicing could take place satisfactorily within the site, before the supermarket is open to customers without the need for delivery vehicles to wait on Nineveh Road.
- 6.16. I therefore consider that the dual use of the car park for customers and for the servicing of vehicles is acceptable and would not adversely affect the free - flow of traffic or highway and pedestrian safety within the local area. The development would also be an improvement from the lawful wholesale warehouse use at the site presently, which would have been serviced by articulated Lorries and visited

frequently by commercial vans and vehicles without the same degree of management and control.

- 6.17. As such, it is considered that subject to conditions, the proposal is unlikely to adversely affect the free -flow of traffic on Nineveh Road and Soho Road, to result in harm to pedestrian and highway safety that could support a reason for refusal.

Other matters:

Air quality

- 6.18. One of the main issues stated within the submitted petition sites concerns around air quality, with neighbours fearing that the development would worsen this, through an increased level of traffic movements. As set out and assessed above, the development proposals are not considered to result in a material increase of traffic movements to and from the site, given the size of the development, the local customer need, alongside the fact that the site sits within a well-used, designated District Centre, where such uses are not only supported but also encouraged. Thereby I can conclude that the development is unlikely to result in any adverse impacts upon air quality within the area. It should further be noted given that the application proposes a change of use, minimal external alterations will be required, minimising the potential for air quality impacts during the construction phase of the development.

Litter

- 6.19. I do not feel that the development would likely increase litter generation within the area. The site has a dedicated waste/recycling store with direct access to Nineveh Road for collection/servicing.

Employment during construction

- 6.20. Given that the application is for the change of use, the construction phase of the development is considered to be limited and as such it is again considered that a condition to require the recruitment of local people during these works would be unreasonable for a development of this scale and size. This therefore has not been included as part of the below recommendation.

7. Conclusion

- 7.1. The application proposes the change of use of the application site, from its current use as a B8 industrial site, to form an A1 retail use. The development proposals are considered to remove a non-conforming use from a designated district centre and see this replaced with an appropriate use, which would add to the vitality and vibrancy of the centre and generate activity within this area. The development has further been considered to result in no undue impacts upon residential amenity and is considered to have a negligible impact upon highway and pedestrian safety. It is therefore considered that subject to the addition of the conditions as set out above, the development proposals would form a sustainable form of development, in line with relevant policies from the NPPF and the BDP, 2017.

8. Recommendation

- 8.1. Approve subject to conditions:

-
- 1 Implement within 3 years (Full)
 - 2 Limits the hours of use to 09:00 - 21:00 Monday - Friday, 09:00 - 20:00 Saturday and 10:00 - 16:00 Sunday and Bank Holidays.
 - 3 Limits delivery time of goods to or from the site to between 07:00 - 08:45 Monday - Saturday.
 - 4 Prevents outside storage in order to safeguard parking spaces.
 - 5 Requires vehicular visibility splays to be provided
 - 6 Requires pedestrian visibility splays to be provided
 - 7 Requires the submission and completion of works for the S278/TRO Agreement
 - 8 Requires the parking area to be laid out prior to use
 - 9 Requires the applicants to join Travelwise
 - 10 Requires the submission of hard and/or soft landscape details
 - 11 Requires the submission of boundary treatment details
 - 12 Requires the scheme to be in accordance with the listed approved plans
 - 13 Limits the noise levels for Plant and Machinery
 - 14 Requires the prior submission of a construction method statement/management plan
 - 15 Requires the submission of a CCTV scheme
 - 16 Requires the submission of a parking management strategy
 - 17 Requires the submission of cycle storage details
 - 18 Management of Delivery Vehicle size/s.
 - 19 Requires the submission of a lighting scheme
-

Case Officer: Idris Gulfraz

Photo(s)

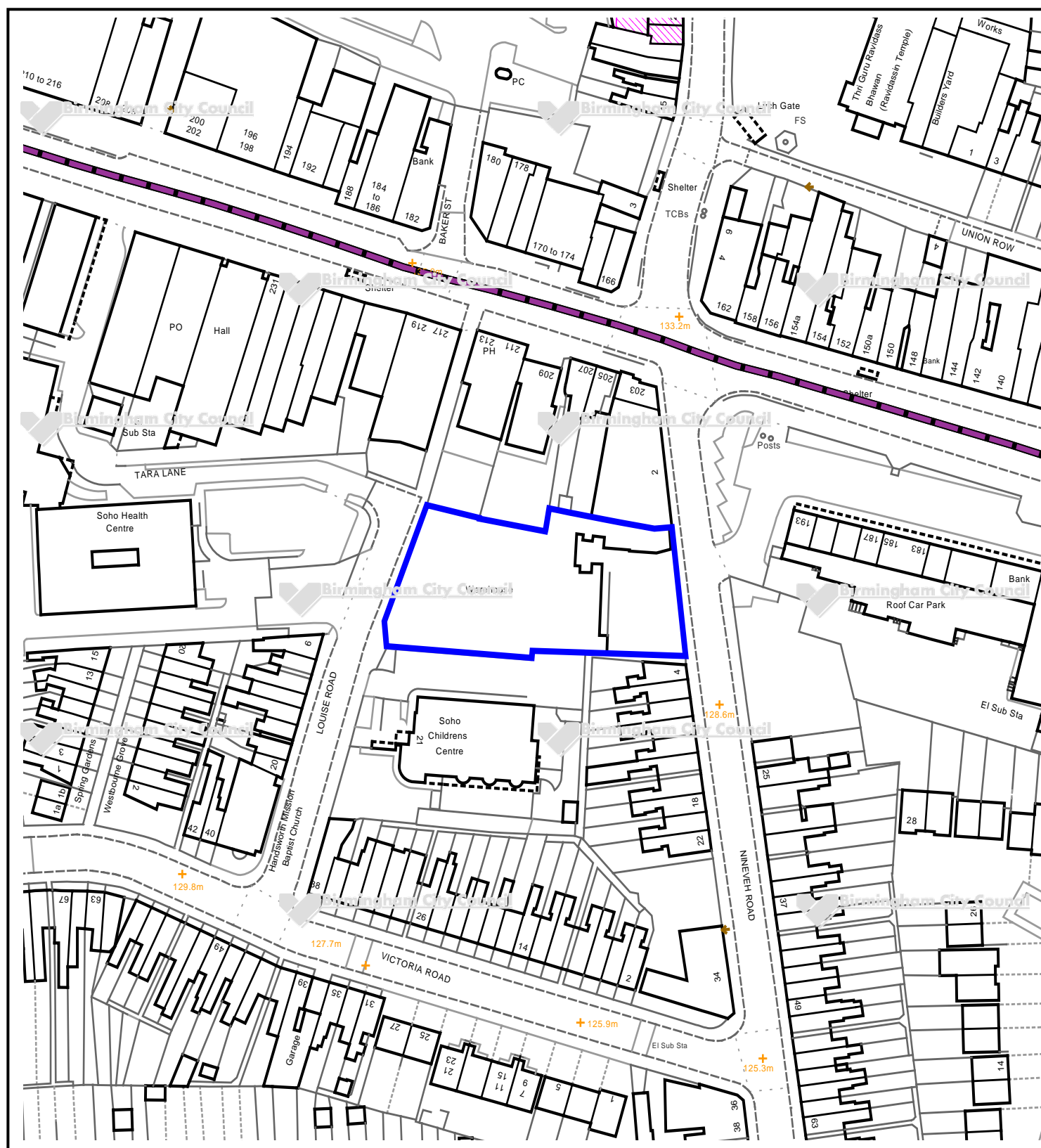


(Looking west into the site from the internal forecourt).



(Looking west towards the site from Nineveh Road).

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/06824/PA
Accepted:	13/08/2019	Application Type:	Full Planning
Target Date:	30/12/2019		
Ward:	Kingstanding		

Hare and Hounds Public House, 415 Kingstanding Road, Kingstanding, Birmingham, B44 9TG

Demolition of existing building and erection of residential development comprising 22 dwellings with associated roads and parking

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This is a full planning application for the demolition of the Hare and Hounds Public House, clearance of the site and erection of 22 dwellings in a mix of semi-detached, short terraces (of 3 properties) and a single block of four apartments. The scheme proposes seven 2-bed houses, eleven 3-bed houses and the four apartments which are all 2-bed. The scheme is 100% affordable, owned and managed by Sanctuary Housing with 13 of the properties available for shared ownership and 9 affordable rent.
- 1.2. Six of the houses are proposed on the Kingstanding Road frontage, in three pairs. Behind these are a pair of semi-detached houses, a terrace of three and then the block of apartments facing onto the new estate road and turning with the road. At the bottom of the site are two pairs of semi-detached houses and a terrace of three which face up towards Kingstanding Road and back onto the houses beyond the site.
- 1.3. A single point of access is proposed off Kingstanding Road with a new road leading down into the site with a turning head at the bottom of the site and a short section of private road leading off the end of the turning head. A footpath is shown on the northern side of the estate road with a service strip on the southern side. Existing trees to the south of the new road and an area of trees between the site and Rushden Croft are to be retained. The proposal provides on-site parking with the 3 bed dwellings being provided with 2 spaces per unit, the 2 bed dwellings have 1 space per unit and the apartments have 1 space per unit. 2 visitor parking spaces are also shown on the amended layout plan. In total there are 35 parking spaces for 22 units which equates to 159% parking.
- 1.4. The application has been submitted with the following supporting documents: Design and Access Statement, Tree Survey, Sustainable Urban Drainage Report and Noise Report.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is currently occupied by the former Hare and Hounds public house which suffered fire damaged in 2016 but has been vacant since around 2007. Within the rear of the site is an overgrown bowling green which the applicant advises has not been used for approximately 25 years.
- 2.2. The land levels of the site step downwards substantially from west to east, so that the existing public house is situated at a higher level in comparison to the centre of the site (the location of the overgrown bowling green area), whilst it slopes further after this to its eastern boundary. The difference between the level at the front of the site and the rear of the site is around 9m.
- 2.3. The site is 0.51 hectares in area. Residential properties surround the site with two storey dwellings to the south and north. The properties on Rushden Croft are two storeys in height, with flat roofs.
- 2.4. [Site Location](#)

3. Planning History

- 3.1. 2017/10243/PA – Demolition of existing public house building and the erection of 34 residential units (comprising flats and houses) together with associated roads and amenity areas – Withdrawn.
- 3.2. 2014/08371/PA – Demolition of existing public house building and clearance of site. Redevelopment to provide 34 new residential units (16 houses and 18 flats) together with parking and associated infrastructure – Allowed on appeal 17.12.2015.
- 3.3. 2013/04060/PA – Change of use of front car park of public house (A4) to car wash and valeting (Sui Generis) and installation of fencing to frontage – Approved for a temporary period until the 20th August 2014 19.08.2013.

4. Consultation/PP Responses

- 4.1. Adjoining occupiers to the site, local councillors and local MP notified as well as site and press notices displayed. 4 objection letters have been received raising the following concerns:
 - Queried whether a through road will be created onto Rushden Croft
 - Do not want access to be created onto Rushden Croft
 - Impact on parking for existing residents (if access is via Rushden Croft)
 - Potential issues of safety and security
 - Queried the boundary treatments between the site and neighbouring properties
 - Will impact on foxes
- 4.2. One letter has been received in support of the demolition of the public house which is an eyesore and a health and safety risk.
- 4.3. Transportation Development – Following receipt of additional information and amended plans confirmed the paths are sufficient and accept the repositioning of the bin and bike store and also confirmed that the revised tracking plan is acceptable.

- 4.4. LLFA – Awaiting final comments on the additional information.
- 4.5. Severn Trent Water – No objections to the proposals subject to the inclusion of a condition to require the details of foul and surface water drainage.
- 4.6. Regulatory Services – No objections in principle, subject to conditions to require further contamination investigations and noise insulation measures.
- 4.7. West Midlands Police – No objections. This appears to be a much improved application. In its current state the site/building is an eyesore. The density and layout being much better. 34 dwellings reduced to 22 dwellings. Amenity space etc. Secured by Design is again reference throughout the DAS.
- 4.8. West Midlands Fire Service – Provided standard advice on width of access routes, turning facilities, appliance access and water supplies.
- 4.9. Sport England – The proposal is outside their remit.
- 4.10. Leisure Services – In accordance with BDP policy this scheme would generate a contribution to open space within the Ward. It would also result in the loss of a bowling green to which we would object unless exceptional circumstances can be justified. It would be for others (Sport England) to justify if this loss is acceptable given any appraisal carried out as part of the application on the current state of the facilities, the local context and nearby facilities. If exceptional circumstances are judged to be proved then a compensatory sum of £75,000 would be payable by the applicant for the loss of the Bowling Green which would be spent on sports, recreational and community facilities at Twickenham Playing Fields within the Kingstanding Ward.

In addition the POS contribution based on the standard BDP formula (2 hectares per thousand population) would be £128,675. This would be directed towards the provision, improvement and/or biodiversity enhancement of public open space and the maintenance thereof at Twickenham and Finchley Road Parks within the Kingstanding Ward.

5. Policy Context

- 5.1. The following policies are applicable:
 - Birmingham Development Plan 2017
 - Birmingham Unitary Development Plan (saved policies)
 - Planning Guidelines for Development involving Public Houses SPG
 - Public Open Space in New Residential Development SPD
 - Places for Living SPG
 - 45 Degree Code
 - Car Parking Guidelines SPD
 - Revised National Planning Policy Framework 2019

6. Planning Considerations

- 6.1. The key issues are the principle of the development; the loss of the public house and bowling green; the design and layout of the proposed scheme; the impact on

the amenities of the existing residents and proposed residents; access, parking and highway matters; drainage; and the impact on ecology and trees.

Principle

- 6.2. The National Planning Framework (NPPF) supports sustainable economic development to deliver new homes and encourages the use of brownfield land (paragraphs 63, 117 and 118). Paragraph 62 highlights that residential development should reflect local demand and create mixed and balanced communities.
- 6.3. Policy TP27 of the BDP requires new housing to contribute to making sustainable places and Policy PG3 requires development to demonstrate high design quality to contribute to a sense of place. This is reiterated in the guidance provided in Places for Living.
- 6.4. The site is set in a built up area which is predominantly residential. The clearance of the public house and associated bowling green and its replacement with a new build residential scheme would provide a compliant land use in this setting.
- 6.5. Consent was previously approved, by appeal, for residential redevelopment of this site to erect 16 houses and 18 flats (2014/08371/PA). That consent has now lapsed; however I accept that the principle of residential redevelopment of the site remains acceptable.
- 6.6. The more recent application, which was withdrawn, proposed a scheme accessed off Kingstanding Road. The previous scheme also conflicted with adopted policy in relation to breaches of the 45 degree code, overlooking and lack of both private gardens and public open space. Furthermore the previous scheme did not provide sufficient drainage information.
- 6.7. This application proposes 22 properties, seven 2-bed houses, eleven 3-bed houses and the four apartments which are all 2-bed. On this 0.51ha site this equates to a density of 44 dwellings per hectare. The layout and design have been amended since the previous submission (and also during the consideration of the current application). The details will be assessed in the following sections. Overall, in principle, I support the redevelopment of the former Hare and Hounds Public House in line with the decision of the Planning Inspector in 2014.

Loss of public house and bowling green

- 6.8. The proposal would lead to the loss of a vacant public house and associated disused bowling green. The Planning Guidelines for Development involving Public Houses SPG seeks to minimise the loss of the amenity value provided by pubs by aiming to ensure satisfactory alternative provision exists, however the loss of both the public house and the bowling green were accepted as being lost as part of the appeal approval. As noted above the pub has been vacant for a number of years, fire damaged since 2016, and the bowling green disused for more than 10 years. Taking this information into account, as well as the fact that the site forecourt has been used on a temporary basis as a car wash, I consider the evidence provided by the applicant satisfactorily demonstrates limited demand for the re-use of the public house and that alternative public houses exist within reasonable distance of the site.
- 6.9. The loss of the bowling green also results in the loss of open space. The previous application, which was withdrawn, noted this as an issue as the applicant did not provide any alternative open space or a financial contribution to off-set the loss of the open space. As detailed at 4.10 above Leisure Services have requested a

financial contribution to mitigate the loss of the bowling green to be spent on recreation facilities within the area.

- 6.10. Within the submitted Design and Access Statement the agent comments that the provision of 100% affordable housing has previously been considered to outweigh requirement for financial contribution in lieu of bowling green. No financial appraisal has been provided; however I consider that the benefit from all 22 proposed houses being provided as affordable dwellings should be given substantial weight in the planning balance. To assist members, in the absence of a full viability assessment, I have discussed this further with the agent who has advised that the scheme is not viable as proposed. The lack of any profit available to the applicant, along with the 100% affordable housing proposal, has enabled the applicant to obtain a grant from Government. The viability of the development would have need to have been proven to justify the grant. As such I do not consider it is reasonable or necessary to request a full viability report and I also consider that the site would not be developed if the Council were to seek a financial contribution towards public open space. The provision of 100% affordable housing on this site is more beneficial than a 35% affordable housing scheme and a financial contribution to public open space.

Design and layout

- 6.11. As noted above the proposed layout shows 6 dwellings (in three pairs) facing Kingstanding Road providing a continuation of the existing road fronting properties. The scheme has been amended since first submission to provide these 6 houses in a straight line between the existing neighbouring properties following concerns raised by my City Design advisor. Behind these 6 are a pair of semi-detached houses, a terrace of 3 houses and the block of 4 apartments. At the rear of the site, at the lowest level, are 2 pairs of semi-detached and a terrace of 3.
- 6.12. The layout follows the line of the proposed new road into the site. The layout of the road is restricted by the 9m drop in the site levels. The road can therefore only route down the site in a single, straight, line. Any deviation would both take more of the site and also change the gradient. As proposed the gradient of the road is 1 in 12. I consider that the layout of current proposal overcomes my previous objection to the layout in that the current proposal provides a more traditional cul-de-sac development with houses facing the estate road and the existing main road frontage. The layout of the houses within the site also relates well to the surrounding built form.
- 6.13. Full plans have been provided with the current application and a street scene drawing has been provided showing four different cross sections of the overall site. During the consideration of the application additional street scene drawings have been submitted which show the proposed development in the context of the buildings immediately adjacent. The plans show that the dwellings will be predominately built of brick with grey or red tile pitched roofs. Some variety is proposed in 6 units having the upper floor, front elevation, rendered in white and the apartment block has a hipped roof. The Design and Access Statement comments that the scheme has been designed to blend with the local area. I concur with this statement and consider that the scheme submitted in this application has been well designed. Materials can be controlled through an appropriately worded condition.
- 6.14. Internally the 2-bed houses would provide a hall, living room, WC, store and kitchen/dining room on the ground floor and two bedrooms, a bathroom and further store on the first floor. The total floorspace is 79.4sqm and bedroom sizes are 12.7sqm and 12sqm. The 3-bed houses would provide a hall, living room, WC, store and kitchen/dining room on the ground floor and three bedrooms, a bathroom

and further store on the first floor. The total floorspace is 95sqm and bedroom sizes are 13.1sqm 11.5sqm and 7.7sqm.

- 6.15. The apartments provide a hall, open plan lounge/ dining room/ kitchen, utility room, bathroom, two bedrooms and at least one store. Each apartment has separate access with the first floor 2 apartments served by two internal staircases (one for each apartment). The total floor spaces are 61sqm for the ground floor units and 68sqm for the first floor units. The bedrooms are 13.4sqm, 12.3sqm, 8.5sqm, 8.4sqm, 8.3sqm.
- 6.16. As such all of the internal spaces comply with the National Space Standards and Places for Living requirements in terms of the overall floorspace, the bedroom sizes and providing internal storage space.
- 6.17. Externally each of the three bed dwellings are to be provided with 2 parking spaces and a small garden to the front of the dwelling and a private rear garden. The garden areas range from 64sqm to 120sqm and therefore two of the plots (5 and 17) fall below the recommended minimum of 70sqm in Places for Living, however the shortfall is less than 10% and as such I do not consider it is significant or warrants either further amendment or refusal. The two bed dwellings are to be provided with 1 parking space each, a small front garden and a private rear garden. The garden areas range from 54sqm to 108sqm and are therefore above the recommended minimum of 52sqm in Places for Living.
- 6.18. The apartments will also have 1 parking space per unit, a detached (timber clad) bin and bike store providing space for 5 bikes and a shared garden area of 62sqm. This garden is therefore also less than the Places for Living recommendation of 30sqm per apartment, however the site also provides incidental open space to the south of the access road and as such I do not consider that the outdoor amenity space for the apartments would result in harm to the amenities of these residents. This can be enclosed to provide private amenity, and this can be dealt with through the boundary treatment condition recommended. The bin and bike store has been repositioned to face into the garden area which will enable access to the facility and ensure the amenities of the apartments are protected.
- 6.19. As noted, an area of incidental open space is also shown to the south of the estate road which is approximately 360sqm and therefore provides 16sqm of open space per dwelling, in addition to their private garden areas. This area includes a number of retained trees, it will need to be managed by the housing provider, but this is additional open space which will help to off-set both the shortfall in garden sizes and also the loss of the bowling green/ lack of open space provided with the development.
- 6.20. Plans have also been submitted with the application to show the boundary treatments and the existing and proposed trees. Four different boundary treatments are proposed; 1.8m high close boarded fences between the rear gardens of the proposed dwellings; 1.8m high close boarded fence on a retaining wall in 5 areas, to deal with the change in levels; a dwarf brick wall between plots 1 and 2 (on Kingstanding Road), also to deal with the change in levels; and a 1.8m high brick wall to the rear gardens of plots 2 and 3, as these boundaries will be prominent on the street scene of the new estate road, when entering the site. I consider the principle of the boundary treatments are all acceptable and, subject to the use of appropriate bricks, will result in a high quality design. A condition is recommended to require the details to be submitted. The tree matters are considered later in this report.

- 6.21. Within the Design and Access Statement the agent has commented that the houses will be constructed with increased insulation, high performance glazing and energy efficient heating systems to comply with the sustainable construction requirements of TP3 and I support this as a benefit of the affordable housing provider scheme.
- Amenity (proposed and existing) and open space*
- 6.22. The site is surrounded on all sides by existing residential dwellings on Kingstanding Road, Rushden Croft, Tansley Road and Tansley Grove. As noted above the access to the site is off Kingstanding Road and as such there will not be any adverse impacts on the residents of Rushden Croft from vehicle movements past their properties. The apartments on Rushden Croft are in two storey, flat roofed, blocks facing the road and gardens and with blank gables facing towards the application site. The layout proposed does not result in unacceptable overlooking and no loss of light to the apartments on Rushden Croft.
- 6.23. 409 Kingstanding Road is a bungalow with dormer windows in the front and rear elevations. It has a large garage and rear extension with a blank elevation on the side immediately adjacent to the application site. The rear extension on 409 also means that the nearest habitable room to the development is screened and not impacted by the proposed development.
- 6.24. 429 Kingstanding Road is an end terrace house on the northern edge of the site, the proposed dwelling on plot 6 will sit approximately 2.5m from the gable end of this existing dwelling. From the officer's site visit it was noted that the existing dwelling has a window in the gable end of the roof and, although there will be less than 5m between this existing window and the proposed dwelling the roof form on plot 1 is a hipped roof which will therefore minimise the impact on this window. 429 Kingstanding Road also has a first floor window in the rear elevation, however the siting of plot 6 will not conflict the 45 degree code and will ensure the amenities of this window are protected.
- 6.25. The houses on Tansley Road and Tansley Grove are all over 21m from the proposed dwellings or offset at an angle. The gardens of the proposed development are all more than 10m long and as such will not result in significant overlooking of the gardens of the surrounding houses. Overall the revised plans on this current application will not cause unacceptable impacts on the amenities of the neighbouring residential properties.
- 6.26. With regard to the amenities of the future residents of the site a Noise Report has been submitted during the consideration of the application. This advises that noise measurements taken show that the dominant noise source is from traffic on Kingstanding Road. The houses fronting Kingstanding Road could be affected by noise, however the report advises that standard building construction will reduce noise to an acceptable level and that trickle vents could be installed to provide an alternative means of ventilation to opening windows.
- 6.27. All dwellings beyond the frontage would comply with BCC requirements on noise levels and all gardens and amenity areas are also screened by proposed dwellings and as such would not suffer from unacceptable noise levels. As such, in terms of noise, the proposed occupants of these properties would not have unacceptable amenity. My Regulatory Services Officer has advised that this noise report has significant discrepancies but that the noise impacts can be adequately mitigated by suitable design and a condition is therefore recommended. I concur with this view and have suggested a suitable condition.

6.28. The garden sizes for the proposed development are detailed above and are all considered to be sufficient for the size of the house proposed. Leisure Services have advised that the development should be providing 1,220sqm of open space. However, as noted above, this should be balanced against the provision of 100% affordable housing. The scheme does provide incidental open space, albeit a small area, which will provide ancillary amenity space to the gardens and provide a pleasant setting to the retained trees and the estate road.

6.29. Overall I consider the revised plans on this current application will not cause unacceptable impacts on the amenities of the neighbouring residential properties; subject to a further noise report the amenities of the future residents of the site will be appropriate and the scheme provides sufficient garden and an area of ancillary amenity space which complies with the general principles of the BDP and SPG.

Access, parking and highway impact

6.30. A single point of access is proposed in the current application serving both vehicular and pedestrian access off Kingstanding Road. To confirm the scheme no longer proposes any access off Rushden Croft, as such the concerns of the local residents on this matter are not relevant, and there will not be any impact from vehicle movements on Rushden Croft.

6.31. The access road will provide a turning head suitable for the scale of the development and for service vehicles, including fire vehicles. A footway is shown on one side of the estate road, outside the frontages of the proposed dwellings, which connects to the existing footway along Kingstanding Road. Two parking spaces are proposed for each 3 bed dwelling (200%) and one space per 2 bed dwelling and per apartment (100%). As noted above this equates to a total of 159% parking.

6.32. A cycle store is also shown for the apartments and each house can accommodate cycles within the gardens. The nearest bus stop is 150/200m away. The site is in a sustainable location and, as noted above, within a residential area.

6.33. Transportation Development initially requested additional information to show tracking of large vehicles within the site and also the position of the highway structures on Kingstanding Road. The tracking plan was received and later amended. Transportation Development have confirmed that the plan is now acceptable. The highway structures have not been shown but this relates to 1 lamppost which the applicant will need to relocate if it affects the ability to provide the vehicle access or sufficient visibility. This latter matter can be dealt with by a condition.

6.34. The cycle and bin store for the apartments is considered to be acceptable in terms of its size and design. An amended plan has been received which repositions the structure to provide sufficient space to enable access to these facilities.

6.35. In general Transportation Development advise that the traffic associated with 22 dwellings would be unlikely to be significant or have a severe impact on highways; the site has good accessibility to public transport and the 2 visitor spaces are positive; and the gradient of the access road is acceptable. I concur and recommend the conditions.

Drainage and contamination

6.36. The site is within flood zone 1. A Drainage Assessment has been submitted which advises that the existing public house is likely to have connection to the mains for

both foul and surface water, but this will be removed on demolition. The assessment notes that there are public foul sewers northeast and east of the site and also within the southbound carriageway of Kingstanding Road. A connection to the mains is proposed and is the preferred means of dealing with foul drainage.

- 6.37. Due to the topography of the site the assessment advises that drainage by infiltration would not be possible and the surface water will need to discharge to a mains system. There are public surface water sewers northeast and east of the site (parallel with the foul). The scheme proposes cellular storage and oversized pipes to act as attenuation of the surface water to limit the outflow to the mains to 5 litres per second. The assessment also recommends pervious paving for the driveways.
- 6.38. The LLFA initially requested additional information which was received during the consideration of the application. This information has been received and the LLFA have been reconsulted. At the time of writing this report the LLFA's comments had not been received. An update will be provided to members at the committee meeting.
- 6.39. STW have raised no objection and recommended a condition to require the details of the foul and surface water drainage to be submitted. The standard condition is appropriate in this regard and is recommended below.
- 6.40. The site has the potential to be contaminated due to the previous uses. A contaminated land report has been submitted. My Regulatory Services Officer has commented that the report has identified contamination but has only assessed half of the site due to the presence at the time of the former buildings. This causes some technical concerns which cannot be resolved until the whole site has been evaluated, which cannot be done until the public house is removed. It would be unreasonable to require the applicant to carry out this work without the certainty of planning permission and as such I would agree with the Regulatory Services Officer that a condition to require the contaminated land assessment to be carried out following demolition is acceptable.

Ecology and trees

- 6.41. A Preliminary Ecological Appraisal Report has been submitted during the consideration of the application (following the request from the Council Ecologist). The report identifies scattered trees, dense scrub, spoil and timber piles and poor grassland as site habitats, the buildings were surveyed for bats and the site has the potential for nesting birds. No evidence was found of any bats and the report recommends tree works outside of nesting season (or with pre-commencement checks), the spoil removed from the site by hand to check for amphibians and hedgehogs and other precautionary measures during construction. The report also recommends the provision of bat and bird boxes, appropriate landscaping to enhance biodiversity and the fencing to include gaps for hedgehogs.
- 6.42. The report confirms the presence of foxes, as noted by one of the objectors. Foxes are not protected under conservation legislation, but they are protected under the Animal Welfare Act. The legislation allows for the fox holes and dens to be destroyed, at an appropriate time and under supervision, to encourage the foxes to relocate. The foxes will not be harmed.
- 6.43. Wall Cotoneaster, Snowberry and False Acacia have all be noted on site and are all invasive species. The report advises that these should be removed in accordance with guidance on invasive species.

- 6.44. My Ecology Officer has advised that a method statement is required for the invasive weed species recorded and also recommends nesting boxes and wider ecological enhancements. The site has plenty of opportunity to provide biodiversity gain through the use of wildflower turf or seeds on the public areas, flowering lawn turf in gardens, new native species trees and shrub planting and boundary treatments with space for hedgehogs to pass. The recommendations for precautionary measures during construction and ecological enhancements should be conditioned and a non-standard boundary treatment condition is recommended.
- 6.45. There are no protected trees on the application site, however the development would entail the removal of a number of the existing trees on site. A Tree Survey has been carried out and submitted with the application. This confirms that the trees are to be retained on the north and south boundaries and only trees within the site are to be removed. New trees will be planted in front garden areas and between driveways to mitigate the tree removal.
- 6.46. A Tree Protection Plan was also submitted during the consideration of the application which shows how the retained trees are to be protected. The Council Tree Officer has raised no objection and recommended conditions to ensure the protection of retained trees and to require the submission of an arboricultural method statement.
- 6.47. The existing landscaping within the site is mainly overgrown with dense bramble and scrub and contains large amounts of waste. This has reduced the quality of the trees that existing within the site. The majority of the good quality trees are outside the site or on the edges. Of the trees on site 7 are considered to be category B (none are category A). The remainder are of poorer quality. In total 19 trees and 5 groups of trees within the site are to be removed. Of the 19 trees 1 is a category B, 11 are category C and 7 are category U. Of the groups 1 is category B and 4 are category C.
- 6.48. The current layout design does allow for the retention of a significant number of the existing trees on site. In addition to this there is scope to plant trees in private gardens of the new houses. The retained trees will be protected during the construction works with fencing and best practice principles including no-dig solutions for areas of car parking within root protection areas. In summary, I do not raise objection to the scheme on this issue.

S106 and CIL

- 6.49. All of the dwellings proposed on the site would be provided as affordable. 13 of the 22 units (59%) would be shared ownership and 9 (41%) would be social rent. As such the scheme proposes well in excess of the 35% target in the BDP. I recommend that this is secured through a S106 agreement as it is intended to offset the need for a financial contribution towards public open space and the loss of the bowling green. Furthermore, the provision of 100% affordable housing should be given significant weight in the determination of the planning application.
- 6.50. As a 100% affordable housing scheme the scheme is not liable for CIL.

7. Conclusion

- 7.1. The site is previously developed land and the principle of residential use is considered acceptable in this predominately residential location where a residential use has been established through the previous planning application. Sufficient justification has been provided for the loss of the public house and bowling green.

The proposal to provide 100% affordable housing has been given substantial weight in the planning balance and is considered to outweigh the harm resulting from the loss of the bowling green and the lack of a financial contribution towards public open space.

- 7.2. The proposed development is in a highly sustainable location and can be adequately accessed and serviced. The layout and design are considered to be appropriate and will not result in unacceptable amenities for either existing or future residents.

8. Recommendation

- 8.1. That consideration of application 2019/06824/PA be deferred pending the completion of Section 106 Legal agreement to ensure the following is secured:
- a) The provision of all of the dwellings as affordable housing comprising 7 x 2-bed houses, 11 x 3-bed houses and the 4 x 2-bed apartments which are all 2-bed. 13 shall be shared ownership and 9 shall be affordable rent.
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2. In the absence of a suitable legal agreement being completed to the satisfaction of the Local Planning Authority on or before 30 December 2019, planning permission be refused for the following reason:
- 1) In the absence of a legal agreement to secure the scheme as 100% affordable housing, the proposal conflicts with Policy TP31 Affordable Housing and TP9 Open Space of the Birmingham Development Plan 2017, the Affordable Housing SPG, the Public Open Space in New Residential Development SPD and the National Planning Policy Framework.*
- 8.3. That the City Solicitor be authorised to prepare, seal and complete the appropriate legal agreement.
- 8.4. That in the event of an appropriate legal agreement being completed to the satisfaction of the Local Planning Authority on or before the 30 December 2019, favourable consideration be given to this application, subject to the conditions listed below:-

-
- | | |
|---|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the prior submission of a construction method statement/management plan |
| 3 | Requires the prior submission of a Construction Ecological Management Plan (CEcMP). |
| 4 | Requires the submission and completion of works for the S278/TRO Agreement |
| 5 | Requires the submission of sample materials |
| 6 | Requires the prior submission of level details |
| 7 | Requires the submission of a revised noise assessment |
| 8 | Requires the prior submission of a contamination remediation scheme |
-

-
- 9 Requires the submission of a contaminated land verification report
 - 10 Requires the prior submission of foul and surface water drainage scheme
 - 11 Gradient of estate road and driveways
 - 12 Requires pedestrian visibility splays to be provided
 - 13 Requires the submission of cycle storage details
 - 14 Requires the submission of hard and/or soft landscape details
 - 15 Requires the submission of hard surfacing materials
 - 16 Requires the prior submission of earthworks details
 - 17 Requires the submission of boundary treatment details to include hedgehog gaps
 - 18 Arboricultural Method Statement and Tree Protection Plan - Implementation
 - 19 Requirements within pre-defined tree protection areas
 - 20 Requires the prior submission of a method statement for the removal of invasive weeds
 - 21 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 22 Requires the prior submission of details of bird/bat boxes
 - 23 Removes PD rights for extensions and roof alterations
 - 24 Implement within 3 years (Full)
-

Case Officer: Karen Townend

Photo(s)



Existing public house



Rear of site

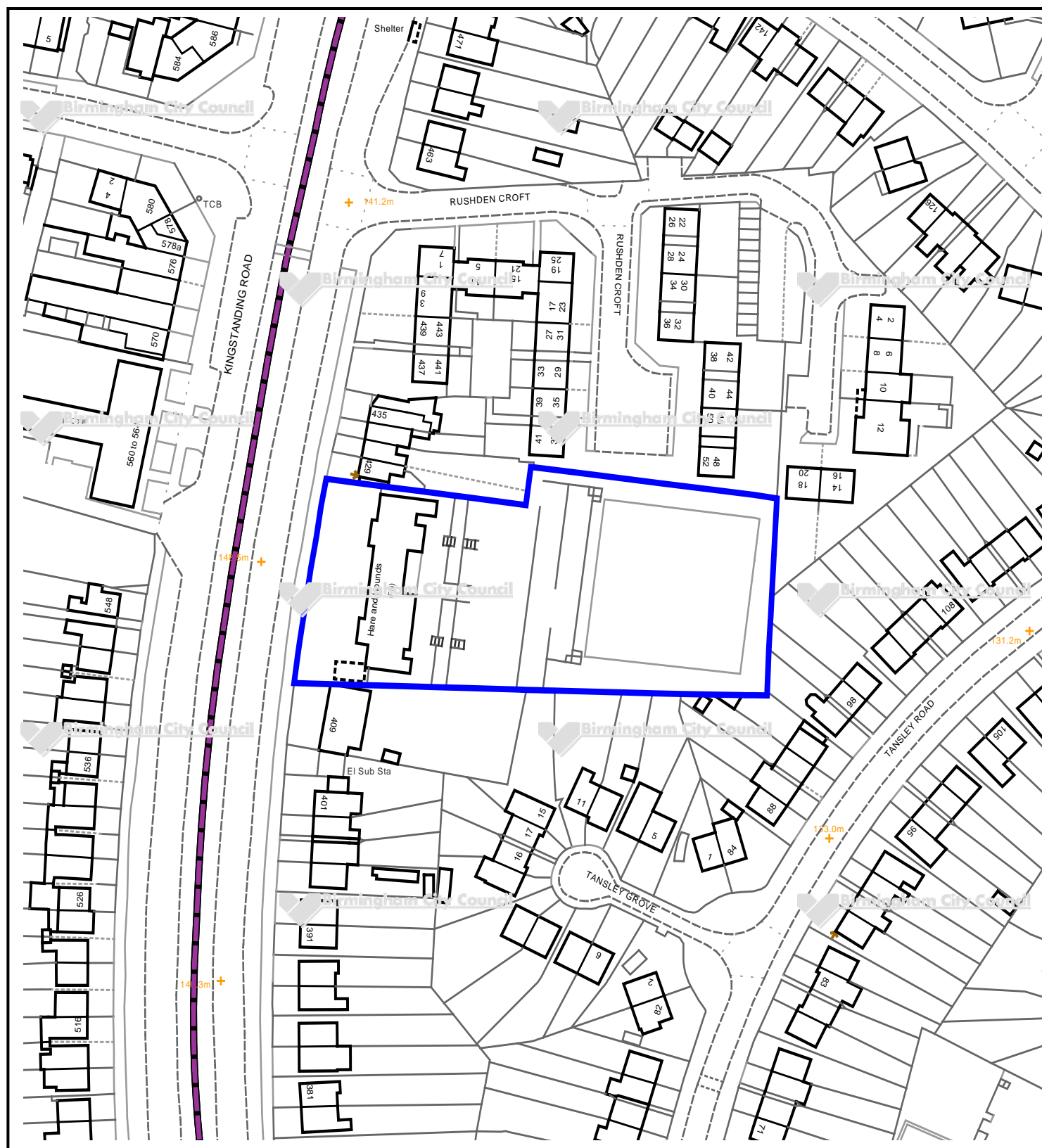


Opposite site



Opposite site

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/08069/PA
Accepted:	30/09/2019	Application Type:	Full Planning
Target Date:	12/12/2019		
Ward:	Holyhead		

Land adjacent 67a Rookery Road, Handsworth, Birmingham, B21 9NL

Erection of 4no. 1 bed residential apartment and 1no. 2 bed residential apartment with associated parking and amenity space

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Consent is sought for the erection of 4no. 1 bed residential apartments and 1 no. 2 bed residential apartment, with associated parking and amenity space.
- 1.2. The internal layout of the proposal is as follows:
 - Ground floor: 1 bedroom 2 person flat (50sqm) and internal parking spaces for 5 vehicles off-street, incorporated into the main building. Shared amenity space (42sqm) with bicycle store.
 - First floor: 1 bedroom 2 person flat (50sqm) and 2 bedroom 4 person flat (70sqm).
 - Loft Plan: 1 bedroom 2 person flat (50sqm) and 1 bedroom 2 person flat (55sqm).
- 1.3 The proposed building will be 3 storey high finished with facing brickwork and slates to roof to marry into its immediate existing context. The proposed building will be L-shaped fitting into the rectangular shape of the application site to minimise any deeper amenity impacts to neighbouring properties. There will be 1 parking space per dwelling and this will be accessed within an internally built courtyard. The building will be setback from the edge of the footpath by some 0.5m.
- 1.4 The previous planning proposal was withdrawn on the basis of the absence of a sequential test for the then proposed 2x ground retail units (2018/09536/PA) and following this resubmitted application these have been removed for a ground floor flat and additional car parking.
- 1.5 [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is currently used as a private car park and is located beside a parade of shops to the north and residential properties to the south and west. The site is located directly adjacent to the Rookery Road Local Centre.
- 2.2 Within this area properties mainly consist of Victorian properties which are set up to the back of the pavement. There is a mix of residential/commercial on both sides of the property. On the opposite side of the road there are further groups of residential dwellings flanked by mixed-use units. There is a mixture of family occupied dwellings,

as well properties which have been converted into flats. To the rear of the application site are post-war terraces setback from the main highway.

2.3 [Site Location & Street View](#)

3. [Planning History](#)

- 3.1 2018/09536/PA - Erection of 3 storey building comprising of 2no. retail units (Use Class A1) on ground floor and 4no. residential units (Use Class C3) above with associated parking - Withdrawn

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objections, subject to conditions pertaining to pedestrian visibility splays, parking spaces to be formally marked out and secure covered cycle store to be provided.
- 4.2. Regulatory Services – No objections subject to contaminated remediation scheme, land verification report, noise insulation measures and electric vehicle charging points.
- 4.3. Severn Trent Water – No objections.
- 4.4. West Midlands Police – No objections subject to a lighting plan, shutter gate be installed and subject to access control.
- 4.5. Neighbouring properties, residents groups and Councillors consulted with site notice posted.
- 4.6. 7 x Neighbour objections were received, detailing below areas of concern:
- Impact on layout/outlook and amenity,
 - Worsen existing high crime rate and levels of anti-social behaviour,
 - Increase in noise and disturbance,
 - Traffic and congestion,
 - Offer to purchase the land to keep it as a car park; and
 - Impact on customers shopping in the area.
- 4.7 A petition of 65 signatory's objection to the proposal has also been received on the grounds of the loss of the car park.

5. [Policy Context](#)

- 5.1. National Planning Policy Framework (2019)
National Planning Practice Guidance (NPPG)
- 5.2. The following local policies are applicable:
- Birmingham Development Plan (2017)
 - Birmingham UDP (saved policies) (2005)
 - Places for Living (adopted SPG 2001)
 - 45 Degree Code

6. [Planning Considerations](#)

- 6.1. The NPPF identifies that within the planning system there lies a presumption in favour of sustainable development, where development proposals accord with the development plan. Sustainable development is identified as having three dimensions: an economic role; a social role and an environmental role.
- 6.2. The Planning System is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport; walking and cycling.
- 6.3. The Birmingham Development Plan emphasises the importance of the City's housing policies in contributing to the strategy for urban regeneration and economic revitalisation, and states that one of the ways this will be achieved is through a variety of housing to meet the full range of needs throughout the City.

6.4 Principle of Development

- 6.5 Policy GP3 of the BDP Plan 2017 states all new development will be expected to demonstrate a high standard of design quality, contributing to a strong sense of place. New development in the City is expected to (inter alia):
- Reinforce or create a positive sense of place and local distinctiveness, with design that responds to site conditions and the local area context, including heritage assets and appropriate use of innovation in design.
 - Make best use of existing buildings and efficient use of land in support of the overall development strategy.
- 6.6 The above policies are reinforced with the City Council's 'Places for Living' SPG which advocates for high quality design which reflects its local context and responds to its surrounding environs. In particular the document states that all proposals will be judged on their own merits. Proposals that follow the spirit of the guidance will be received positively. Conversely poor quality proposals that ignore the issues and the requirements will be unlikely to gain consent with a particular emphasis on considering their immediate and far wider context and not only the application site itself.
- 6.7 Policy TP27 of the Birmingham Development Plan 2017 states new housing in Birmingham is expected to contribute to making sustainable places, whether it is a small infill site or the creation of a new residential neighbourhood. All new residential development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Sustainable neighbourhoods are characterised by a strong sense of place with high design quality so that people identify with, and feel pride in, their neighbourhood.
- 6.8 Policy TP30 of the BDP states that new housing should seek to deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhoods.
- 6.9 Car Parking Guidelines SPD requires a maximum of 2 car parking spaces per dwelling. Appropriate levels of car parking provision for any individual proposal will be assessed in light of maximum standards and the circumstances of the particular scheme.
- 6.10 Saved Paragraphs 3.14-3.14D of the adopted UPD 2015 reinforce a high standard of design for continued improvement of Birmingham, as a desirable place to live, work

and visit. Further paragraphs in the UDP state that applications for new development will be expected to demonstrate that the scheme has been considered as part of its context.

- 6.11 The site is within an established mixed residential and commercial area in a highly accessible location and close to public transport links and within walking distance of a local centre.

Loss of Car Park

- 6.12 Concerns have been raised by objectors on the loss of parking space affecting access to the local centre. The application site is privately owned land and was sold at auction in December 2017 by the City Council as part of the Council's land disposal and income generation. The car park was declared surplus due to the fact that the site was continually being subjected to fly tipping, a hot spot for abandoned cars, and other anti-social behaviour. The sale of the land did not include any covenants or conditions requiring the retention of its use as a car park. Parking on the site by the public could be legitimately stopped at any point. As such, there are no grounds to refuse the application on the grounds of a loss of a car park.

6.13 Impact on the Character of the Area

- 6.14 Rookery Road has a mix of houses and mixed use properties with ground floor shops and residential above. There is a row of shops immediately to the north of the site and houses to the rear (west) and south. On the Rookery Road footway, in front of the site, are a bus shelter, telephone box and utility meter box.
- 6.15 The proposed building fronts on to Rookery Road, located at back of the footway with a small setback of some 0.5m, with the front door and living room / bedroom windows facing the street. It is 2.5 storeys high, L-shaped, with a flat-roofed 2 storey element at the rear facing the vehicle access route that serves houses at 61-65 Rookery Road behind the site. This configuration creates an outdoor amenity space for occupants (aligning with the rear gardens of the houses behind).
- 6.16 The elevation drawings show a well-proportioned building with contemporary detailing and red brick external walls that would complement the local built character established by Victorian terraced properties.
- 6.17 Moreover, the scale, massing and appearance of the proposed building would complement and positively add to local character. The development is considered to be acceptable in this regard.

6.18 Residential Amenity

- 6.19 The previous withdrawn application had a retail use at ground floor and was set at the back edge of the footpath, whereas the current submitted scheme has replaced the ground floor retail with a 1 bedroom flat. The previous scheme was a car free development to accommodate the ground floor retail units. Moreover, within the previous design the setback from the footpath and to allow for more clearance from the existing bus shelter and telephone box could have caused a conflict of users, however the redesigned scheme has the entrance door offset to the side from the bus shelter by some 1m to ensure there is no conflict on the highway between pedestrians and proposed future occupiers accessing the development.

- 6.20 Whilst the Council's City Design Officer has stated that the traditional character of buildings along Rookery Road e.g. no's. 47 to 51 and 38 to 70 are setback and that would be ideal to have this flat setback from the highway by 1.5m-2m, it is appreciated that setting the whole building back from the street would significantly affect the proposed internal car park layout and on balance this form of development is considered to be acceptable. Moreover the gradient along the street does partially mitigate amenity impacts on the ground floor apartment by, in effect, raising the height of the building in relation to the footway at this end, and opaque panels are shown to the lower part of the apartment's windows, to prevent direct views in to the apartment.
- 6.21 The proposed development is separated from the adjacent boundary wall shared with no.65 Rookery Road by some 1.6m and some 4.5m to the side wall of this neighbouring property and there are no side facing windows from the proposed development which could overlook into the neighbouring properties amenity. The higher floor level windows to the rear are obscure glazed to ensure that there is additional light penetration to the kitchen and living rooms. In terms of the Council's 45 degree Code, it is not considered to breach the nearby habitable windows which are located to the rear (northern side) of this property and as such it is considered that there is an appropriate separation distance with the adjacent property and there are no side windows from the proposed development which could be considered to overlook or cause impact to the neighbour's amenity.
- 6.22 The 'Places for Living' SPG requires 30sqm per flat of open private external amenity space and this would equate to the need of circa 150sqm. The site proposes a hard surfaced outdoor space to the rear measuring 42sqm. Whilst it is accepted that there is a shortfall, in light of the nature of the accommodation proposed and the site's proximity to a local centre, it is considered that this would not represent a reason for refusal on this occasion.
- 6.23 The Nationally Described Space Standards requires an internal floor area 50sqm for a 1 bedroom 2 person flat and 2 bedroom 4 person flats should meet a standard of 70sqm. The flats meet these minimum standards.
- 6.24 In summary, the proposal does not have an undue amenity impact upon the occupiers of adjacent properties and creates an acceptable living environment for the proposed occupiers.
- 6.25 Regulatory Services have raised no objections subject to noise insulation, contamination remediation, land verification report and electric vehicle charging points.
- 6.26 Concerns have been raised over general noise and disturbance of traffic and extra vehicle movements and construction noise by objectors to the application living within the vicinity. It is acknowledged that there would be some noise and disturbance during the construction phase of the development however this would only be temporary. There is also no evidence to suggest that once occupied that there would be undue levels of noise arising from the individual apartments.
- 6.27 **Highway Safety**
- 6.28 Concern has been raised that the proposal would likely increase on-street parking demand within the area, due to loss of number of parking spaces and the lower level of provision proposed (100%) for the flats. However, four of the proposed five flats are one bedroom flats which are likely to generate slightly lower level of parking

demand compared to 2+ bedroom flats. The site is to the immediate edge of the local centre with a good level of accessibility to public transport. Waiting is regulated by Traffic Regulation Orders (TRO) along the majority of Rookery Rd, apart from short un-restricted stretch on the opposite side of the site.

- 6.29 There is on-street parking on the opposite side of the road between no. 68 to 92 Rookery Road and there is a single yellow line in operation between Mon-Sat 9am to 6pm between no's 33 and 57 Rookery Road. There are also on-street parking opportunities on Regent Road and Albert Road and as such it is considered the loss of parking on the application site could be accommodated elsewhere during retail shopping hours. Members are also reminded that the car park is private and could close at any time.
- 6.30 The submitted plan shows a cycle store, however the details of this have not been provided and can be appropriately conditioned.
- 6.31 As such the proposals are considered acceptable in this regard and Transportation Development have raised no objection.

6.32 Crime

- 6.33 West Midlands Police have not objected to the scheme and seek to ensure that vehicle access into the undercroft car parking area will be the subject of security control, i.e. gate / shutter and that any shutter should also seek to prevent unauthorised pedestrian access as well as vehicular. They also recommend that a suitable lighting scheme and a suitable access control system is installed for residents. Relevant matters are subsequently conditioned.

7 Conclusion

- 7.1 The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. After minor amendments in relation to the ground floor usage and improvements secured by officers, the scheme would now be acceptable in terms of its design, amenity and highway considerations. It would contribute towards the city's housing requirements. Therefore the proposal would constitute sustainable development and it is recommended that planning permission is granted.

8 Recommendation

- 8.1 Approve subject to conditions

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- | | |
|---|---|
| 1 | Implement within 3 years (Full) |
| 2 | Requires the submission of sample materials |
| 3 | Requires the submission of a lighting scheme |
| 4 | Requires the submission of boundary treatment details |
| 5 | Requires the submission of hard and/or soft landscape details |
| 6 | Requires the submission a Noise Insulation Scheme |
-

-
- 7 Noise Insulation Scheme Between Residential and Car Park
 - 8 Requires pedestrian visibility splays to be provided
 - 9 Requires the provision of a vehicle charging point
 - 10 Requires the submission of cycle storage details
 - 11 Requires the prior submission of a contamination remediation scheme
 - 12 Requires the submission of a contaminated land verification report
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of architectural details
 - 15 Requires the submission of details of refuse storage
 - 16 Requires the prior submission of foul and surface drainage
 - 17 Requires the submission of security gate/shutter to vehicular access
 - 18 Requires the scheme to be in accordance with the listed approved plans
 - 19 Requires obscure glazing for specific areas of the approved building
-

Case Officer: Omar Sharif

Photo(s)



Figure 1: View of Application Site and Immediate Context

Location Plan



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Committee Date:	19/12/2019	Application Number:	2018/10142/PA
Accepted:	17/12/2018	Application Type:	Variation of Condition
Target Date:	31/12/2019		
Ward:	North Edgbaston		

Avery Fields, Land at Sandon Road, Harborne, Birmingham, B17 8DT

Variation of Condition No. 16 attached to approval 2017/04246/PA to allow hours of use between 07:00 and 00:00 Sundays to Thursdays and 07:00 and 01:00 Fridays and Saturdays

Recommendation

Approve Temporary

1. Proposal

- 1.1. This application seeks variation of condition 16 of the planning consent which limits the hours of use of the clubhouse pavilion to between 08:00 and 23:00 hours Mondays – Sundays. The proposed variation seeks to allow for the clubhouse hours of use to be between 07:00 and 00:00 Sundays to Thursdays and 07:00 and 01:00 Fridays and Saturdays.
- 1.2 In January 2016, planning consent was granted for the development of this site for the development of a new sports facility for Rugby, comprising two grassed Rugby pitches, one all-weather pitch with floodlighting, changing rooms and parking (phase 1) and club room with kitchen and bar, additional changing rooms, with ancillary office, store and w/c (phase 2) (see planning history).
- 1.3. Since the granting of consent, the site is run by Bournville Rugby Club as their new home ground. With this dedicated clubhouse, this offers the club an identity and allows for a meeting point for members to congregate and socialise before, during and after matches and training sessions as well as during the week.

1.4 [Link to Documents](#)

2 Site & Surroundings

- 2.1. The application site is a private playing field at the rear of existing dwellings in Sandon Road, City Road, Poplar Avenue, and Wadhurst Road. The edges of the playing field are interspersed in places with mature trees, particularly along the boundary with Poplar Avenue, although this does not form a complete screen for residents with views into the site between some of the trees. There is a change in level across the site with a steep shelf from north-west to south-east, such that approximately a third of the site in the north eastern section is at a lower level.
- 2.2. The site is enclosed by residential rear gardens on all four sides of the site. The existing access onto Sandon Road would be retained and re-used.
- 2.3. A small section of the site access is located within the Barnsley Road Conservation Area, along with the adjoining houses in Sandon Road.

2.4. [Site location](#)

3 [Planning History](#)

- 3.1 2015/02983/PA – Development of playing pitches (2 x Rugby, 1 x all weather pitch with lighting), changing rooms, w/c's, and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and w/c's (phase 2) – Approved
- 3.2 2017/04246/PA - Material minor amendments to planning approval 2015/02983/PA (for development of playing pitches (2 x rugby, 1 x all weather with lighting), changing rooms, w/c's and parking (phase 1), and club room with kitchen and bar, additional changing rooms, and ancillary office, stores and w/c's (phase 2)], for alterations to design of clubhouse building, additional storage building, revised parking layout, revisions to pitch layout and associated bunds, variation of conditions 4 (sample materials), 5 (soft landscaping), 8 (boundary treatments), 13 (noise insulation), 14 (extraction details), 20 (approved plans) to amend the timing of the submission of these details and the submission of details for conditions 3 (arboricultural method statement) and 7 (ecological bio-diversity enhancements) – Approved.

4 [Consultation/PP Responses](#)

- 4.1. Site notice posted. MP's for Edgbaston and Ladywood Constituencies, ward members for Harborne, Edgbaston and Ladywood wards, residents associations and neighbouring residents notified.
- 4.2. 34 representations of support received on the grounds of a great community asset, the rugby club provides employment in the area, facilities at the club are second to none for youngsters.
- 4.3. 15 resident objections received on grounds of noise and disturbance from the later hours, the traffic and congestion of more comings and goings late at night. Another resident comments that they object to the changes in conditions but that there is still no details provided regarding boundary treatment or resolving the flooding issues on site and drainage for this which is affecting families and their properties.
- 4.4. Transportation Development – No objections
- 4.5. West Midlands Police – No objections.
- 4.6. Regulatory Services – Recommends a temporary permission.
- 4.7. MP Preet Gill - Objection on the basis of noise and late night anti-social behaviour.

5. [Policy Context](#)

- 5.1. Adopted BDP, Adopted UDP (saved policies), and NPPF.

6. [Planning Considerations](#)

6.1. [Policy](#)

- 6.2. Planning consent has been previously granted for the development of the site for new rugby pitches and associated sporting facilities including clubhouse, and so the principle of the development has already been established. Section 73 of the 1990

Act is clear that in considering such an application a local authority may only consider the 'question of conditions'.

6.3. Impact on the amenities of residents

6.4. A noise impact assessment and management plan / stewarding plan have been submitted in support of the application. The nearest point of the clubhouse pavilion will be approximately 50m from the rear facades of nos 75 and 87 Sandon Road. This section of the building is occupied by the circulation core and toilets and the nearest occupied areas of the building are approximately 55m from the residential facades and the submitted noise assessment indicates a 'low impact' at the nearest dwellings. Regulatory Services have not raised any concerns in this regard but has stated concerns with the post event closure noise and disturbance.

6.5 In this regard, the assessment of potential noise break-out from the Community Room during live music and DJ events indicates that immission levels at the nearest dwellings would be below background during the proposed late evening extension hours. Much of the noise generated by the access drive will be mitigated by the solid barrier fence along the common boundaries with the residential properties. Moreover the balcony area of the clubhouse can be restricted up to 23.00hrs such that doors remain closed other than for access.

6.6 As part of the submission and to reflect the continuous objections from residents over noise and disturbance at the clubhouse, the applicants have submitted a wind down and dispersal plan including the use of stewards. Regulatory Services raise no objections subject to a temporary permission. This is considered reasonable to allow an assessment of any impact over a 1 year period.

6.7 Traffic and parking

6.8 The proposed access arrangements have not substantially changed and Transportation colleagues have stated that it is considered that the proposed extension of one hour in the early morning and one/two hours during late night would unlikely to have significant impact with regards to highway / transportation related matters. I concur with this view.

7. Conclusion

7.1 The submitted noise assessment indicates a 'low impact' to neighbouring dwellings and a suitable wind down and dispersal plan has been submitted in detail by the applicants which is considered to be acceptable to safeguard the residential amenity of neighbouring occupiers. It is considered that a temporary 1 year consent would enable the impact to be monitored.

8 Recommendation

8.1 Approve temporary (1 year)

1 Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan

2 Requires the prior submission of level details

-
- 3 Requires the development to be implemented in accordance with the arboricultural method statement.
 - 4 Requires the prior submission of sample materials
 - 5 Requires the prior submission of hard and/or soft landscape details
 - 6 Requires the prior submission of a landscape management plan
 - 7 The development shall be implemented in accordance with the approved Ecological Enhancement Strategy.
 - 8 Requires the prior submission of boundary treatment details
 - 9 Requires a scheme of noise mitigation works for the proposed sports pitches
 - 10 Requires the prior submission of a floodlighting scheme
 - 11 Limits the use of the floodlighting to between the hours of 08:00-21:30 hours Mondays - Sundays.
 - 12 No kickboards or sports fencing around the sports pitches without prior written approval.
 - 13 Requires details of a scheme of noise insulation and verification for the clubhouse pavilion.
 - 14 Requires the prior submission of extraction and odour control details
 - 15 Limits the noise levels for Plant and Machinery
 - 16 Limits the clubhouse pavilion opening hours to 07:00-00:00 Sunday to Thursday and 07:00-01:00 Fridays and Saturdays until 19/12/2020
 - 17 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 18 Requires the parking area to be laid out prior to use
 - 19 Requires the prior submission of cycle storage details
 - 20 Requires the scheme to be in accordance with the listed approved plans
-

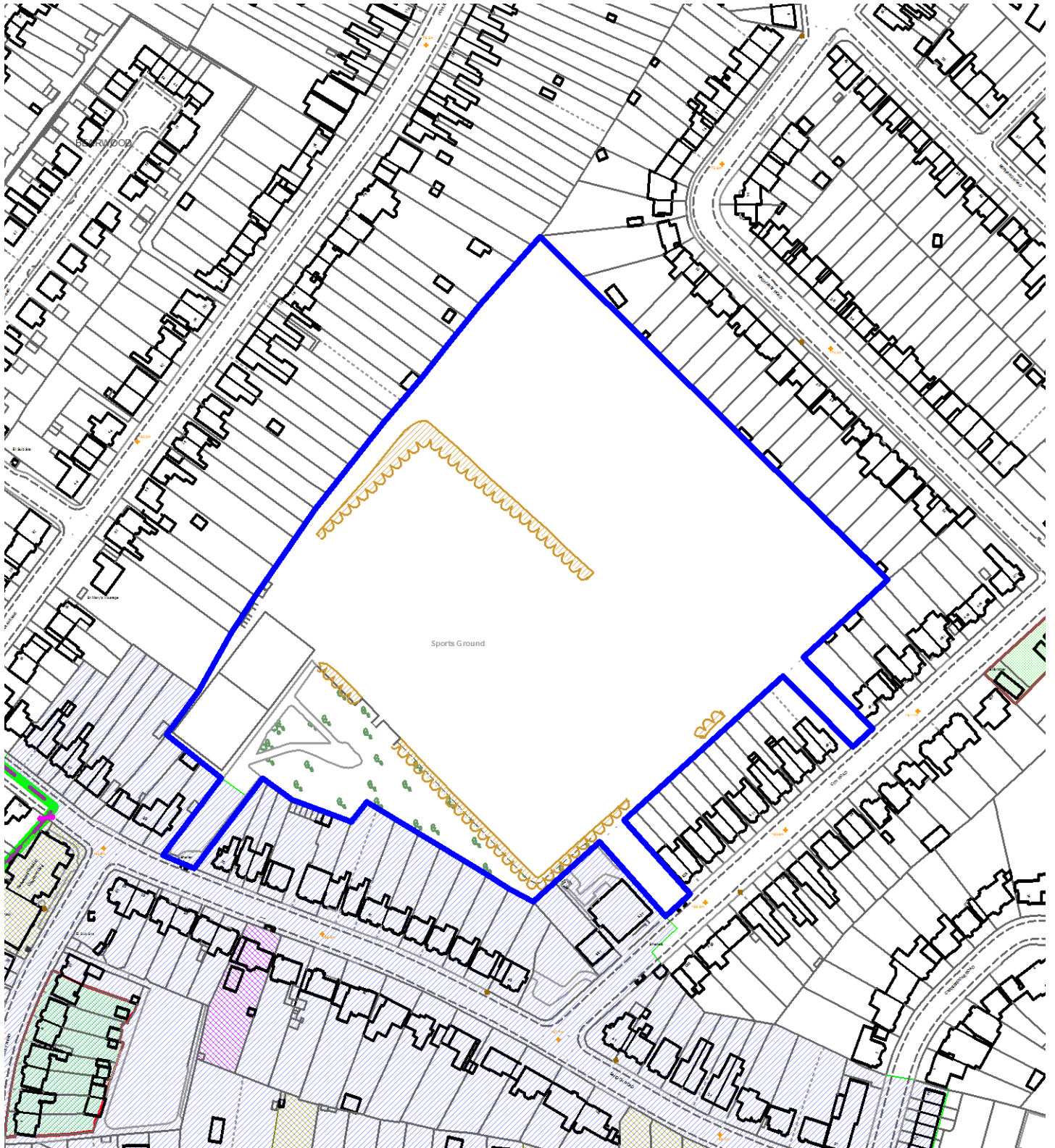
Case Officer: Omar Sharif

Photo(s)



Photo 1 – View of clubhouse pavilion from adjacent car park

Location Plan



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Birmingham City Council

Planning Committee

19 December 2019

I submit for your consideration the attached reports for the **City Centre** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	15	2019/05420/PA 37-55 Camden Street Jewellery Quarter Birmingham B1 3BP Demolition of existing buildings and erection of a 4- storey building comprising 48 apartments with associated car parking and landscaped deck.
Approve – Subject to 106 Legal Agreement	16	2019/03336/PA Exchange Square - Phase 2 Land at Priory Queensway and Moor Street Queensway Birmingham B4 7NJ Erection of a mixed-use development including a hotel (Use Class C1) to provide 235 bedrooms in a building of between 8 and 14-storeys (Exchange Square level and above), a building of 32-36 Storeys to provide 375 Dwellings (Use Class C3) and residential amenity space plus 790 sqm (GIA) retail/commercial space (flexible within Use Classes A1, A2, A3, A4, A5, B1 and D2 Or mix thereof), vehicle and cycle parking, associated plant, amenity space and landscaping.
Approve – Subject to 106 Legal Agreement	17	2019/06253/PA 50A Warwick Street Digbeth Birmingham B12 0NH Demolition of existing buildings and construction of part 7/part 8 storey building comprising 80 apartments and associated development

Approve – Conditions	18	<p>2019/07979/PA</p> <p>135A New Street City Centre Birmingham B2 4NS</p> <p>Change of use from offices (Use Class B1), training centre (Use Class D1) and retail (Use Class A1) to 259 bed hotel (Use Class C1) with associated external works and alterations to ground floor shop frontages</p>
Determine	19	<p>2019/05185/PA</p> <p>Birmingham Repertory Theatre 6 Centenary Square Broad Street Birmingham B1 2EP</p> <p>Provision of new main entrance, new steps, ramps, two free-standing LED advertising structures and external balcony at first floor level and associated landscaping and change of use of part of first floor level to restaurant.</p>
Determine	20	<p>2018/10311/PA</p> <p>71 Corporation Street & 43 Temple Row City Centre Birmingham B2 4UG</p> <p>Redevelopment comprising: change of use of 71 Corporation Street from retail (Use Class A1) to flexible mixed use including office (Use Class B1), retail uses, including food and drink and professional services (Use Classes A1, A2, A3, A4, A5) and/or leisure (Use Class D2) under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended); change of use of 43 Temple Row from office (Use Class B1) and bank (Use Class A2) to hotel (Use Class C1); additional and extended floorspace; part replacement and part refurbishment of the existing facades and associated works.</p>

Committee Date:	19/12/2019	Application Number:	2019/05420/PA
Accepted:	28/06/2019	Application Type:	Full Planning
Target Date:	27/09/2019		
Ward:	Soho & Jewellery Quarter		

37-55 Camden Street, Jewellery Quarter, Birmingham, B1 3BP

Demolition of existing buildings and erection of a 4-storey building comprising 48 apartments with associated car parking and landscaped deck.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

1.1 The application proposes the re-development of a site of 0.16ha currently occupied by a row of two and three storey commercial buildings that fill the entire site which fronts Camden Street and lies within the Jewellery Quarter Conservation Area. The application proposes to demolish all the existing buildings and replace them with a 4 storey building providing 48 apartments (18 x 1 bed and 30 x 2 bed) partly built over a ground floor parking area to the rear.

1.2 The proposed dwelling mix would provide:-
 6 (12%) - 1 bed x 1 person apartments (42- 49 sq.m)
 12 (25%) - 1 bed x 2 person apartments (50- 53 sq.m)
 17 (36%) - 2 bed x 3 person apartments (64 sq.m)
 13 (27%) - 2 bed x 4 person apartments and duplex units (70 – 125 sq.m)
 Following an appraisal of the applicant's viability report by the Council's consultants it has been agreed that 7 (14.6%) of the dwellings would be affordable apartments for low cost home ownership.

1.3 The proposed layout for the development would provide a row of 4 storey flat roofed buildings fronting Camden Street with projecting 4 storey wings at the rear partly built over a decked ground floor parking area. The building fronting the street have been designed to have the appearance of six buildings with a varied roof height that step down the site to respond to the topography. The design arranges the buildings as 3 defined blocks to break up the elevation into traditional townhouse widths. Part of the top floor design includes a loft arrangement with raked patent glazing to the roof to reference the industrial heritage of using "topshops". Chimney type features also form part of the design as an extended brick pier between the 3 blocks to break up the roof line and reflect similar features from elsewhere within the Jewellery Quarter. Within each block facing the street a duplex unit is proposed with a ground floor living area and its own individual entrance. Each block also includes a resident's communal lounge and shared entrance designed to give activity to the street.

1.4 The materials for the front elevation include textured brickwork piers with heavier texture and modelling to the lower levels. Ribbed/textured pre-cast concrete panels would be used around the primary entrances and between ground and first floor windows to create a solid plinth. Timber gates are proposed to the car park with

timber fins alongside to give a consistent material across the entrance. Stepped pre-cast concrete panels would be used adjacent to main entrances and windows would be Crittall style with powder coated aluminium double glazed frames. The design also uses detailing based on the site's history as a photographic works along with typical Jewellery Quarter motifs in the contemporary detailing of the brickwork and concrete.



Figure 1: CGI showing proposed front elevation of new building

- 1.5 At the rear of the frontage blocks the design would be more uniform to reflect common practice within the Conservation Area where by the street frontages are more decorative and elevations at the rear were more utilitarian in appearance. The proposed rear elevations would have larger window openings within a brick frame to give a more industrial aesthetic. The deck above the car parking area would relate to the topography and be subdivided into terraces for the first floor rear apartments. It would be set back from the rear boundary to provide natural lighting and ventilation into the car park with light wells and green wall planting used to enhance the space.



Figure 2: View of existing elevations to Camden Street



Figure 3: View of proposed elevations to Camden Street

- 1.6 27 (56%) car parking spaces are proposed which would be served by a new entrance from Camden Street in roughly the centre of the site frontage. The development also includes a cycle store with 48 spaces. The adopted energy strategy for the development would be that a fabric first approach with enhancement of the thermal envelope and airtightness to reduce the required energy demand. Currently the site is entirely covered with buildings so has very little biodiversity value but this is proposed to be improved with planting to the terraced areas and rear boundary wall.
- 1.7 The application is supported by a Design and Access Statement, Heritage Statement, Transport Statement/Travel Plan, Ground Investigation, Noise Assessment, SUDs Assessment, Planning Statement, Landscape Strategy, Ecological Appraisal, Energy Statement and Viability Assessment.
- 1.8 [Link to Documents](#)
2. Site & Surroundings
 - 2.1. The application site is situated on the south-western edge of the Jewellery Quarter, within the designated South West Industrial Fringe locality. It fronts Camden Street and is situated between an industrial building at 31-33 Camden Street to south and Camden Lofts a 3 storey former industrial building to the north which was converted and extended to provide apartments approximately 2 years ago. To the rear of the site lies is No.3 Summer Hill Terrace a grade II listed building and land containing various industrial type sheds.
 - 2.2. The site is entirely filled by a series of primarily warehouse-type buildings with pitched-roof ranges extending back from the street behind narrow flat-roofed brick ranges providing offices fronting onto the street. These, date from the 1930's to 1950's and vary between one and three storeys in height. Several of the buildings are vacant and others are occupied by an IT support and services company. Camden Street generally rises from the Sandpits junction up to the Albion Street crossroads with its steepest gradient across the site frontage, which rises by 3.75m from end to end.
 - 2.3. In the wider area is a mix of commercial and residential buildings. Opposite the site on the Camden Street frontage is a large semi derelict plot of overgrown land and vacant buildings including Sloane House a Grade II listed building. This site has planning permission for a housing conversion and redevelopment scheme of 139 dwellings (2017/00002/PA) and a further consent for a single 4 storey dwelling (2019/05180/PA) but neither permission has been implemented too date. To the south of the site are the Greek Orthodox Cathedral and No 3 Summer Hill Terrace a former 3 storey 19th Century villa, now used as a children's nursery, which immediately adjoins the rear site boundary. Both these latter buildings are Grade II listed.
 - 2.4 [Site Location](#)
3. Planning History
 - 3.1. 17/10/05 - 2005/01102/PA- Planning permission refused for demolition of building and erection of a 3 - 4 storey building with 5 commercial units at ground floor and 36 residential units on upper floors. Subsequent appeal allowed in 2006 subject to a Section 106 Agreement to secure 4 low cost housing units at 65% of open market value, 9 shared ownership units at 65% of open market value and £52,800 towards public realm improvements.

- 3.2 27/10/05 - 2005/01994/PA – Conservation Area consent granted for demolition of existing buildings and erection of a new 3-4 storey building comprising of 5 ground floor commercial units and 36 apartments.
- 3.3 22/8/2011 – 2011/03272/PA – Planning permission granted (subject to a deed of variation) to extend the time of extant planning application 2005/01102/PA for the demolition of building and erection of 3-4 storey building with 5 commercial units at ground floor, 36 residential units on upper floors and 22 car parking spaces.
4. Consultation/PP Responses
- 4.1. Transportation – No objections subject to conditions requiring reinstatement of redundant footway crossings and the gates to the vehicle access being set back to prevent vehicles waiting on the footway. Comments that the development is of a similar scale and parking provision to the previous consents on this site.
- 4.2 Lead Local Flood Authority – Raise objections to the application on the grounds that a suitable sustainable drainage scheme has not been provided and proposals to restrict the runoff from the development site to a 20% reduction of the 1 in 1-year runoff rate are not acceptable. Further drainage information has been provided and the LLFA have been re-consulted. A response is awaited.
- 4.3 Regulatory Services - No objections subject to conditions to require an intrusive site investigation and verification report, installation of a noise insulation, submission of a demolition and construction management plan and provision of an electric vehicle charging points. Comments that although the noise impact assessment has addressed road traffic noise and recommends a scheme of noise insulation and ventilation it has not considered any nearby industrial or commercial noise by means of a BS4142 assessment. He however understands that a nearby car wash is daytime use only and is in the process of closure so would be content to condition a noise mitigation scheme for habitable rooms.
- 4.4 Local Services – No objections in principle but comment that in accordance with BDP policy the development is liable for an off-site POS contribution calculated as being £101,600. This would be spent on the provision, improvement and /or maintenance of POS in the Jewellery Quarter Cemeteries within the Soho and JQ Ward.
- 4.5 BCC Employment Team – Request that Employment Obligations or conditions are attached to any permission to secure a construction employment plan.
- 4.6 Historic England – Do not wish to offer any comments and suggest the views of BCC specialist conservation and archaeological advisers are sought.
- 4.7 West Midlands Fire Service – No objection in principle. Comment that there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building. Water supplies should be in accordance with National Guidance for Fire Fighting and the approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.8 Severn Trent Water – No objection subject to a drainage condition being imposed to require drainage plans for the disposal of foul and surface water flows.
- 4.9 West Midlands Police – No objections and are pleased to see that the apartments are separated into 3 'cores' with fewer apartments in each, creating not only a more

personal atmosphere, and more importantly a safer one. The communal post rooms also mean that postal/delivery workers do not need to access the whole of the building when making deliveries, which they support. Request the following:

- The cycle storage and refuse area are in the main lobby area, should be positioned behind a secondary door.
- The balustrade to the shared roof terrace should be at least 1.8 metres to prevent falling.
- The main vehicular access and 3 shared 'front doors' should be subject of remote access controls.
- The under-croft parking and communal amenity space should be sufficiently lit,
- The car park, communal areas, entrance/egress and cycle storage should be covered by a suitable CCTV scheme.
- Recommends the applicant considers the principles adopted in the Police Crime Reduction Initiative 'Secured By Design' guidance.

4.10 Ward Councillors, MP, residents associations, local residents and businesses notified of the application and site/press notices displayed. Nine letters received all from residents of Camden Lofts making the following objections:-

- Development will totally block views of the city and privacy to neighbouring roof terraces. (before and after images provided)
- The height of the blocks will totally stand out and be an eyesore for the street
- The 1st floor balcony is very close to my lounge and would interrupt my privacy and light
- Development has 3 windows directly in front of our terrace, which will have a serious effect on our privacy, light and cause a shadow over the whole area resulting in our amenities being seriously affected
- The new development would detract from the Conservation Area and should be no more than 3 storeys high to reflect the low-rise characterful buildings, history and uniqueness of this area of the city.
- 48 dwellings is a serious overdevelopment of the site
- To have so many flats on such a small site will inevitably cause the immediate vicinity to become noisier with the comings/goings of residents and their vehicles
- There is insufficient parking for existing visitors to the area and the roads are narrow. Will make access difficult, generate greater volumes of traffic, resulting in increased congestion in the area
- The appearance and design doesn't fit in with the character of the area.
- The new development will overlook the buildings next to it and ruin the character of the street.
- As the building is four storey it will block views and be intrusive
- Impact on neighbouring roof lights affecting light & privacy.
- Will have an adverse impact on neighbouring residents quality of life
- The building needs to be made shorter & not as high
- Concerns regarding hazardous materials, smells, mess, dust during construction
- Loss of property values.

4.11 The applicants have provided further information to show the relationship between the proposed development and Camden Lofts and local residents have been re-notified. Any further comments received will be reported at committee.

5. Policy Context

5.1 Birmingham Development Plan 2017, Birmingham Unitary Development Plan 2005 (saved policies), Places for Living SPG, The Jewellery Quarter Conservation Area Character Appraisal and Management Plan, Jewellery Quarter Conservation Area

Design Guide, Conservation Through Regeneration SPD; Car Parking Guidelines SPD; Public Open Space in New Residential Development SPD; Affordable Housing SPG 2001 and National Planning Policy Framework 2019.

6. Planning Considerations

6.1. **Land Use Policy**

6.2. The Birmingham Development Plan (BDP) sets out a number of objectives for the City until 2031 including the need to make provision for a significant increase in population. Policy PG1 quantifies this as the provision of 51,000 additional homes within the built up area of the City which should demonstrate high design quality, a strong sense of place, local distinctiveness and that creates a safe and attractive environments. Policy GA1 promotes the City Centre as the focus for a growing population and states that residential development will be continued to be supported where it provides well designed high quality environments. The majority of new housing is expected to be delivered on brown field sites within the existing urban area.

6.3. The Birmingham Development Plan (BDP) identifies the application site as being within the City Centre Growth Area where the focus will primarily be upon re-using existing urban land through regeneration, renewal and development. Policy GA1.3 relating to the Quarters surrounding the city centre core states that development must support and strengthen the distinctive characteristics, communities and environmental assets of each area. For the Jewellery Quarter it seeks to create an urban village supporting the areas unique heritage with the introduction of an appropriate mix of uses.

6.4. A Character Appraisal and Management Plan Jewellery Quarter was adopted as an SPG in January 2002. It shows the site as being within the Industrial Fringe Locality area where further residential is acceptable in principle subject to compliance with various scale, form and design criteria. The application site has previously had consent for residential development and although the approved schemes included ground floor commercial units there is no policy requirement for a mixed use scheme. Other sites close by have either been redeveloped entirely for housing or have planning permission for residential development which has yet to be implemented. The use of the site for housing would be in accordance with policy and reflect the immediate and emerging character of the area.

6.5. **Demolition**

6.8. The redevelopment proposed would require the demolition of all the existing buildings on the site. As they are within the Jewellery Quarter Conservation Area there is a statutory requirement to have special attention to the desirability of preserving or enhancing the character or appearance of the area. Policy TP12 of the BDP states great weight will be given to the conservation of the City's heritage assets and the Jewellery Quarter Conservation Area Appraisal and Management Plan states that demolition of buildings will not normally be permitted. The NPPF requires the conservation of heritage assets in a manner appropriate to their significance and in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

6.9. Although there is a presumption against the demolition of buildings consent was previously given for their removal in 2005 and 2011. Since then the NPPF has been published which requires an assessment to be made of any heritage assets and their

setting that would be affected by a development. The applicants have submitted an appraisal with the application which comments that the buildings on the site are relatively late interlopers in the streetscape, replacing 19th-century housing courts in the mid- and late 20th century, and have no intrinsic heritage significance, being of plain and utilitarian appearance. Behind the street frontages the pitched-roof workshop ranges are of the same date and are not seen from the street. It concludes that none of the buildings are of any heritage interest or significance.

- 6.10 The City Design Manager comments that the site comprises of a series of stepped two-storey post war industrial buildings in brick or render and largely offering shuttered and blocked up windows and entrances to the street. He completely agrees with the heritage assessment in that there is no value in the retention of the existing buildings and a very real value in delivering new development that accords with para 200 of the NPPF that requires that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. No objection is therefore raised to the demolition.

6.11 Height, Layout and Design

- 6.12 Policy PG3 of the BDP states that all new development will be expected to be designed to the highest possible standards which reinforces or creates a positive sense of place, safe and attractive environments. The revised NPPF in Para 124 states that good design is a key aspect of sustainable development and creates better places to live and work. The JQ Management Plan requires the design of new development to respect the scale, form and density of the historic pattern and form of the Jewellery Quarter and the Jewellery Quarter Design Guide outlines principles for good design including guidance on scale, form, grain, hierarchy and materials. New buildings are normally limited to a maximum height of 4 storeys.
- 6.14 Objections have been raised to the proposed 4 storey height of the development from residents of the neighbouring 3 storey building at Camden Lofts. Buildings heights of up to 4 storeys are however acceptable within the Jewellery Quarter provided they respect the height of traditional buildings within the locality. In this regard the previously approved buildings on the site frontage adjacent to Camden Lofts were 4 storeys and building heights were considered as part of the 2005 appeal in which the inspector commented that –*“Given the relationship between the existing and proposed buildings, I do not consider that the fourth storey .. would appear over dominant ... nor that it would have an adverse impact on the listed building. Indeed, I consider that the building as proposed would provide a more interesting backcloth to the listed building ... [and] the proposal would preserve the character and appearance of the Jewellery Quarter Conservation Area.*’ Although Camden Lofts has since received planning permission to be converted and extended to provide 12 apartments building heights in the immediate area have not changed since that appeal decision. The new buildings approved opposite the site would also be 4 storeys in height and it is therefore considered that the buildings heights proposed can be supported and that they would not detract from the Conservation Area.
- 6.15 The layout proposed is also similar to that previously approved on the site as it would provide a continuous built form of 4 storeys on the street frontage with 3 wings to the rear built above a ground floor car park with a landscaped deck above. Although the development previously provided a more active frontage with 5 ground floor commercial this has been partly compensated by providing duplex units fronting the street and three residents’ communal lounges. In addition the current proposals divide the buildings into 3 smaller blocks with their own entrances and have slightly

set back the wings and deck from the rear boundary so it can be naturally ventilated. These changes are considered to be an improvement.

- 6.16 In terms of the design the applicants have sought to make improvements to the previously approved elevations which were considered to be overly elaborate with too many facing materials and features and the stepping of the elevations is not reflected in the plan form which has steps introduced into corridors. The applicants consider the new design is more sympathetic to the conservation area and would provide details to reflect the sites previous use as a photographic works.
- 6.17 The design proposed has however attracted objections from a neighbour who considers they do not fit in with their surroundings and also from the City Design Manager. Although he supports the subdivision of the plot into a series of smaller 'sub-plots', the stepped profile of the building running up the hill and the interesting chimney element to provide additional variation to the roof line he expresses concern that the three wide front blocks, are repeated each time such that the scheme is read as six built elements of equal width. In addition he considers the inclusion of the fourth storey which is set back with a raked frontage of patent glazing will appear as a setback mansard and the pairing of a lower and higher parapet does not reflect any good historic precedents in the area.
- 6.18 With regard to the rear wings, which are slightly lower in height than the front blocks, the City Design Manger notes these are designed to extend back into the site in the manner of the present workshop wings respecting the historic linear grain of the plots. The roof terraces also reflect the rear courtyards serving the 19th-century terraces that previously stood on the site. He however expresses concern that the rear outriggers are not low enough to be considered as subordinate to the street range and although this could be acceptable if the front elevations were more innovative in the street scene.
- 6.19 Overall The City Design Manger acknowledges that the design of this scheme has come a very long way from the pre- application proposals but still considers that the composition, setting out of proportions, application and use of materials are not reflected in any historic precedents and that the design is too busy. He however concludes that the development is better than the buildings to be lost and will help regenerate the Jewellery Quarter, and whilst it was anticipated that the design could be truly innovative the scheme can be supported
- 6.20 During the pre- application process the architects made a number of amendments to the proposals to address design concerns raised by officers. They have provided an urban grain, local vernacular and design precedent analysis to demonstrate why they consider the development would fit in with conservation area and the its immediate surroundings. Examples have been provided from elsewhere within the Jewellery Quarter of traditional building designs that have used textured concrete lintels within brick facades, chimneys on front elevation and the use of patent glazing on a sloping roof. In addition they have developed a design that has incorporated details to reflect the site's previous use as a photographic works including the incorporation of brickwork piers with details to resemble a photographic film which 'fades' from bottom to top as it gets closer to the light using rustication in the brickwork.
- 6.21 Overall I consider the architects have provided a suitable and appropriate design response for the site that is appropriate for the conservation area. It is also a significant improvement compared to the existing buildings and the scheme previously approved on the site following the appeal. Para 130 of the NPPF states that permission should only be refused for development if the design fails to take the

opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or supplementary planning documents. Design is always subjective but in this case the applicants have provided a full justification for the proposed design which has taken into account the history of the site, the character and appearance of the traditional buildings and policies regarding the design of new buildings within the Conservation Area and is considered to be acceptable.

6.22 Dwelling Mix and Residential Amenity

6.23 BDP policy TP30 states that proposals for new housing should deliver a range of dwellings to meet local needs and support the creation of mixed, balanced and sustainable neighbourhood and seeks high density schemes in the city centre. The development would provide 18 (37%) one bed apartments, 12 of which would be 50 sq.m or larger and therefore suitable for occupation by 2 persons according to the nationally described space standards. The remaining 30 (63%) would provide a mix of 2 bed apartments including duplex units ranging in size from 64 – 125 sq.m. Although there are objections from local residents to the number of dwellings proposed the density is considered to be appropriate and the unit sizes and mix, would provide a good range of unit sizes including 5 duplex apartments over 117 sq.m in size. The applicant has also agreed that 7 (14.6%) of the dwellings would be affordable apartments for low cost home ownership.

6.24 The development would provide no external communal amenity space but a number of residents of the first floor apartments at the rear of the building would have direct access onto a private terrace which would be formed on the deck above the car parking area. Several of the other apartments at the rear would be provided with small balconies. The separation distances between windows in the rear wings proposed would be about 10 metres which is considered to be appropriate for a city centre development and reflects the tight urban grain of development within the Conservation Area. A noise assessment has been submitted with the application which recommends acoustic glazing to windows which can be covered through conditions.

6.25 Impact on Neighbours

6.26 A number of objections have been received from the occupants of Camden Lofts the apartment building that adjoins the northern boundary of the site and was granted planning permission in 2016. Although the planning permission relating to the application site expired in 2014, both the committee report and Design and Access statement for Camden Lofts referred to the 4 storey scheme approved on the application site.

6.27 The objections raised by adjoining residents relate to the proposed 4 storey height of the buildings on the grounds that this would block views of the city from their roof terraces and there would be overlooking of their apartments, terraces and roof lights. One of the residents has provided drawings with their interpretation of the submitted plans showing a number of windows in the side elevation of the proposed building facing towards neighbours roof terraces when in fact the side elevations of the proposed building facing Camden Lofts would be blank. The applicant has provided additional drawings to show the relationship between the two developments demonstrating that there would be no direct overlooking of the roof area. Although two of neighbouring terraces could be viewed from the proposed development this would be at an angle from the rear windows and at a distance of approximately 13.7 metres. The proposed building may obscure some views from the neighbours roof top

terraces over the city skyline however planning regulations are not designed to protect private views. The relationship between the proposed development and neighbours rooftop terraces is illustrated in the diagram below:-

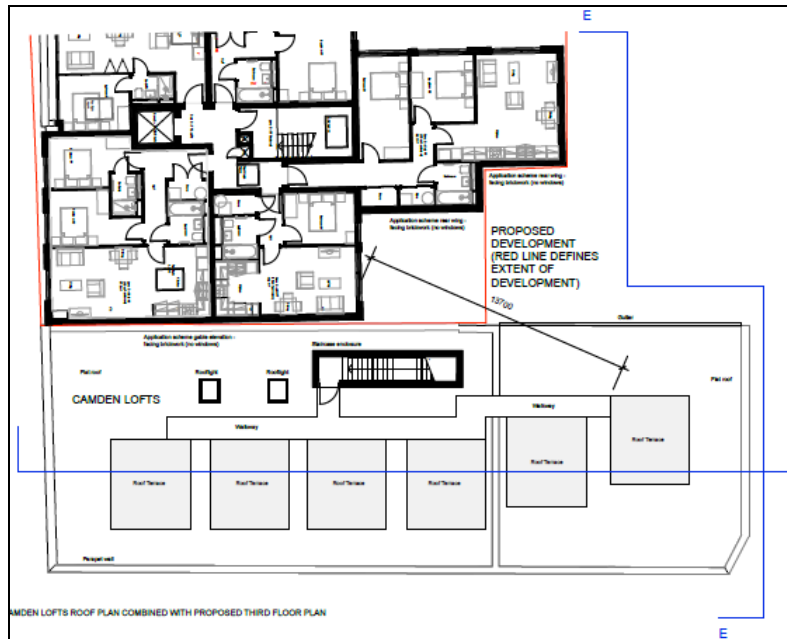


Figure 4: Diagram showing the relationship of the 3rd floor with roof space on Camden Lofts

- 6.28 There are several windows on the side elevations of the Camden Loft development but those adjacent to the application site serve corridor areas. There are two apartments proposed at first and second floor level adjacent to Camden Lofts one of which has a terrace and the other a balcony however both would adjoins a blank section of the side wall of the Camden Lofts development. Overall it is not considered that there would be an adverse impact on privacy and light levels to the Camden Loft apartments or to their roof terraces or roof lights.

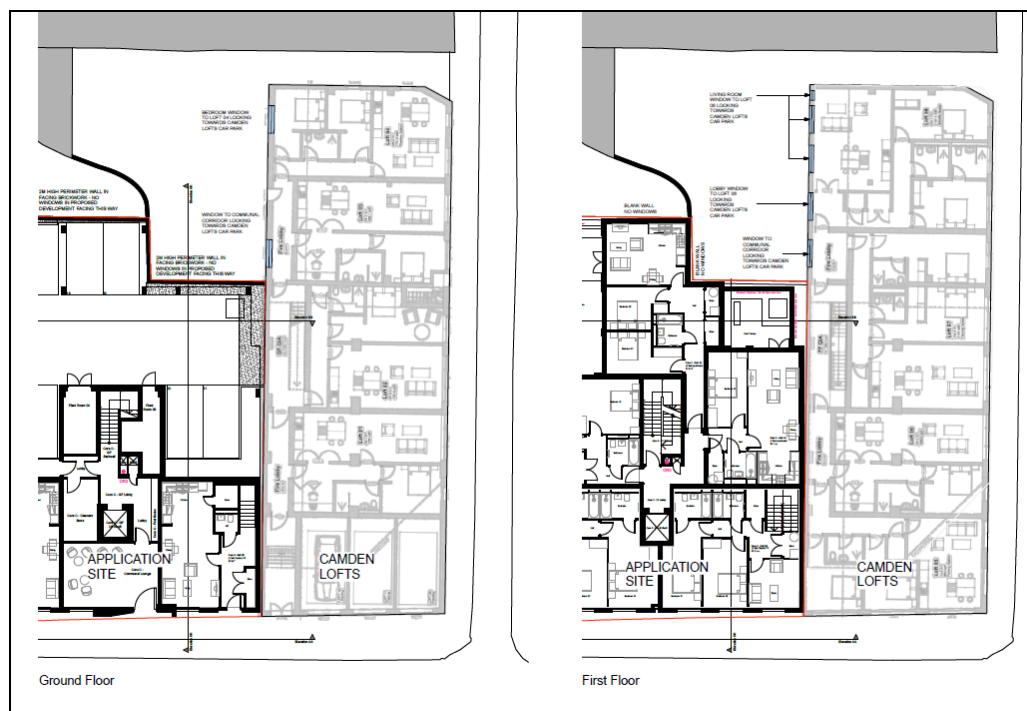


Figure 5: Diagram showing the relationship development to Camden Lofts

6.29 The objectors have also expressed concern that the number of flats will cause the immediate vicinity to become noisier with the comings and goings of residents and their vehicles, that the development would have an adverse impact on neighbouring residents quality of life, issues of hazardous materials, smells, mess, dust during construction and loss of property values. The site has a history of being used for commercial purposes with no restrictions on hours of use, noise levels, deliveries etc. and a residential use is not likely to have any greater impact. Demolition and construction works would be short lived but a condition is recommended to require a construction management plan. Any excessive noise is controlled through other legislation. Any impact on property values is not material planning issue that can be taken into account.

6.30 Impact on Heritage Assets

6.31 The NPPF requires heritage assets to be conserved in a manner appropriate to their significance and requires an applicant to describe the significance of any heritage assets affected and to assess how that significance may be affected by a proposal. The BDP and Jewellery Quarter SPG's also contain other guidance regarding the need for new development within the Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of the area and provides various criteria relating to siting, scale and design against which new development will be judged.

6.32 The paragraphs above relating to the proposed demolition and design of the new buildings have commented on their impact on the Conservation Area. The applicant's heritage statement has considered the impact of the development on other heritage assets nearby including the listed buildings at Sloane House, 3 Summer Hill Terrace and the Greek Orthodox Cathedral and their settings. It concludes that the redevelopment of the site as proposed would have no impact and will not harm the significance of these buildings. Of the listed buildings No. 3 Summer Hill Terrace immediately adjoins the site but has no meaningful relationship with it as it has no outlook across the plot and since the mid-20th century the application site has been entirely filled with built form. The previous appeal decision also concluded that a 4 storey development would not have an adverse impact on the listed building.

6.33 The City Design Manager whilst expressing concerns about the design of the new building, comments that all three listed buildings within close proximity are harmed by this sites current impact on their setting. He agrees with the conclusions in the Heritage Statement that while this particular section of Camden Street is included in the Conservation Area it is because it forms part of the wider historic Jewellery Quarter and has been significantly eroded in terms of historic character and coherence and architectural interest and quality. The appearance of the area has also been additionally degraded by derelict site. He considers that the redevelopment offers the opportunity of delivering new development that accords Para 200 by enhancing or better reveal the significance of the heritage assets.

6.34 Transportation Issues

6.35 Many of the recent developments in the Jewellery Quarter have been car free or have very limited car parking whereas this development would deliver 27 (56%) car parking spaces as well as a cycle store with 48 spaces. Although objections have been received from local residents that there is insufficient parking and the proposals would make access difficult, generate greater volumes of traffic and increased congestion in the area no objections have been raised by Transportation and the existing industrial and office units currently generate traffic. The site also lies in close

proximity to the City Centre and to a range of facilities, frequent bus, rail and tram services and there is an extensive footway network in the area.

- 6.36 Transportation comment that the parking ratio is very similar to that previously approved on the site. However one of the conditions they request is that the gates to the car park entrance be set back 5.5 metres from the highway. This would be contrary to the design guidance for the Jewellery Quarter which requires build form to the back of the footway and there are many examples in the area where gates are in line with the front of buildings including on the neighbouring Camden Lofts. Setting the gates back would detract from the appearance of the proposed building and provide a poor quality space fronting the street that would also not meet Secure by Design requirements. The inclusion of this condition is therefore not supported

6.37 Other Matters

- 6.38 The comments made by West Midlands Police and Fire Service are noted. Some of the points mentioned are controlled by other legislation but conditions are recommended to require a lighting scheme and CCTV. The applicant has also confirmed that they have already liaised with Building Control to provide a suitable fire strategy and they will adopt Secure by Design standards. They have also agreed that secure doors will be provided to the cycle and bin store areas, the balustrade to the shared roof terrace will be at least 1.8 metres to prevent falling, access controls will be provided for the development and the under-croft parking and communal amenity space will be well lit and covered by a CCTV scheme.

6.39 CIL and Section 106 Obligations

- 6.40 The proposed development lies in a high value area in terms of CIL and the applicants have calculated the payment required to be £59,753. This will need to be investigated and any CIL liability confirmed by the Planning Contributions team. In addition to this the number of apartments means that the City Councils policies for Affordable Housing and Public Open Space in New Residential Development will also apply. A Viability Statement has been submitted with the application to demonstrate that the site cannot meet the full BDP requirements which has been independently assessed by the City Council's consultants. As a result it has been agreed that 7 (14.6%) dwellings being 3 x 1 bed and 4 x 2 bed will be provided as low cost market dwellings at 75 % of market value. These would comprise 1 x 2 bed Duplex, 2 x 1 Bed 1 Person, 1 x 1 Bed 2 Person, 2 x 2 Bed 3 Person and 1 x 2 Bed 4 Person apartments. This equates to a subsidy of £357,430 which is considered to be a fair and justifiable and to meet the necessity tests set out in the CIL regulations.
- 6.41 Contributions have also been requested from Local Services towards off site public open space but the development would not be viable if further financial contributions were paid. The request for an employment construction plan is recommended to be covered via a condition.

7. Conclusion

- 7.1. The BDP encourages further residential development in the City Centre and the site is within the Industrial Fringe locality of the Conservation Area where further housing is acceptable in principle. No objection is raised to the demolition of the existing buildings and the proposed replacement development is considered to provide a suitable and high quality scheme. Although objections have been raised to the height and design of the new building the 4 storeys reflect the previous approvals and the

new design is a significant improvement. A good mix of apartment sizes would be also provided as well as on site car parking.

- 7.2 Although objections have been raised by neighbours regarding potential overlooking, loss of privacy and views it is not considered the amenities of adjacent local residents would be materially affected. There would also be no adverse impact on the significance of the Jewellery Quarter Conservation Area or on other listed buildings nearby. It is therefore considered that the application is acceptable and would have a positive impact on the appearance of the site and is therefore recommended for approval subject to conditions as set out below:-.

8. Recommendation

- 8.1 That consideration of application 2019/05420/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:-

- i) The provision of 7 affordable housing units on site comprising 4 x two bed and 3 x one bed, (1 x 2 bed Duplex, 2 x 1 Bed 1 Person, 1 x 1 Bed 2 Person, 2 x 2 Bed 3 Person and 1 x 2 Bed 4 Person apartments) to be offered at 25% discount of the market sale values in perpetuity.
- ii) Payment of a monitoring and administration fee associated with the legal agreement of 3.5% of the affordable housing value subject to a maximum of £10,000.

- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning authority by 31st January 2020 planning permission be refused for the following reason:-

- i) In the absence of a legal agreement to secure a commitment provide 7 on-site affordable housing units the proposal conflicts with Policy TP31 of the Birmingham Development Plan and the National Planning Policy Framework.

- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning authority by the 31st January 2020 planning permission for application 2019/05420/PA be APPROVED, subject to the conditions listed below:-

-
- 1 Prevents demolition prior to a redevelopment contract being entered into
 - 2 Requires the prior submission of a contamination remediation scheme
 - 3 Requires the prior submission of a Sustainable Drainage Assessment.
 - 4 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 5 Requires the prior submission of a demolition and construction method statement and statement/management plan
 - 6 Requires the prior submission of a construction employment plan.
 - 7 Requires the submission of a contaminated land verification report
-

-
- 8 Requires approval of details and samples of windows, doors, rainwater goods, external walls and gates
 - 9 Requires the submission of samples of all external materials
 - 10 Requires the submission of roof materials
 - 11 Requires the submission of hard and/or soft landscape details
 - 12 Requires the submission of boundary treatment details
 - 13 Requires the submission of a lighting scheme
 - 14 Requires the submission and implementation of a Noise Insulation Scheme for residential acoustic protection
 - 15 Requires the submission of a CCTV scheme
 - 16 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 17 Requires the prior submission of details of bird/bat boxes
 - 18 Requires the provision of cycle parking prior to occupation
 - 19 Requires the parking area to be laid out prior to use
 - 20 Requires the submission and completion of works for the S278/TRO Agreement
 - 21 Requires the glazing to the communal lounge areas to be kept clear and not obstructed.
 - 22 Requires the provision of a vehicle charging point
 - 23 Requires the scheme to be in accordance with the listed approved plans
 - 24 Implement within 3 years (Full)
-

Case Officer: Lesley Sheldrake

Photo(s)



Photo 1: View of existing buildings fronting Camden Street



Photo 2: View showing relationship to Camden Lofts building which has blue brick frontage

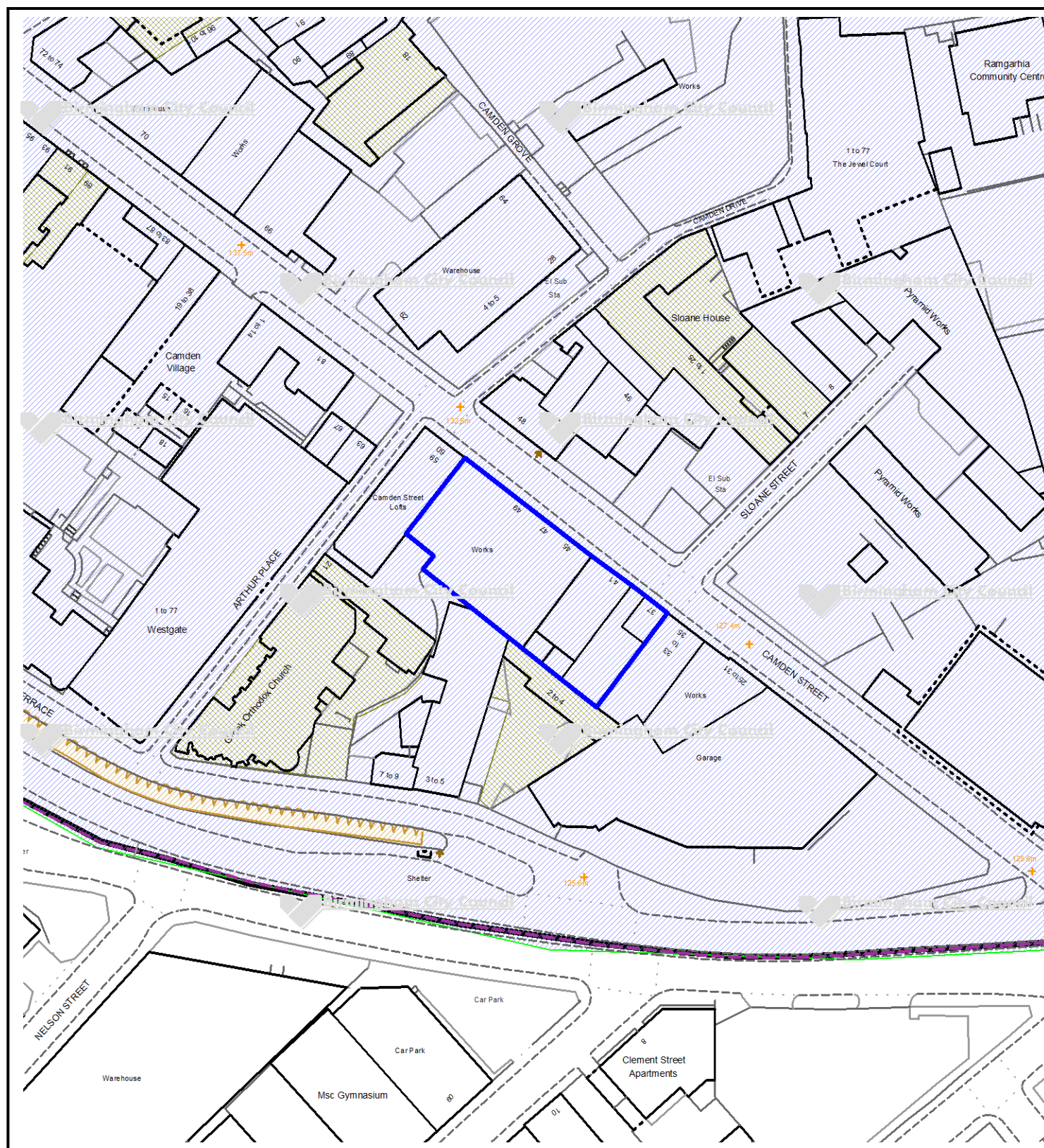


Photo 3: View of site frontage looking up Camden Street



Photo 4: View of warehouses to the rear of site and wall of listed building at 3 Summer Hill Terrace

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/03336/PA
Accepted:	17/04/2019	Application Type:	Full Planning
Target Date:	15/01/2020		
Ward:	Ladywood		

Exchange Square - Phase 2, Land at Priory Queensway and Moor Street Queensway, Birmingham, B4 7NJ

Erection of a mixed-use development including a hotel (Use Class C1) to provide 235 bedrooms in a building of between 8 and 14-storeys (Exchange Square level and above), a building of 32-36 Storeys to provide 375 Dwellings (Use Class C3) and residential amenity space plus 790 sqm (GIA) retail/commercial space (flexible within Use Classes A1, A2, A3, A4, A5, B1 and D2 Or mix thereof), vehicle and cycle parking, associated plant, amenity space and landscaping.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This full planning application is for the second and final phase of the Exchange Square redevelopment. The site is land released for development as part of the removal of the former Masshouse Circus gyratory and, together with Phase 1 (nearing completion) and the McLaren office tower, would complete this city block.
- 1.2. Outline consent was previously granted on this site however the time period for submission of further reserved matters has now lapsed. A previous reserved matters consent on this site, submitted at the same time as the reserved matters for Phase 1, showing a part 8 / part 14 storey (above square level) residential block remains extant.
- 1.3. The application proposals broadly show a development comprising active uses at the lower levels forming a podium above which a 16 storey hotel and a 36 storey residential tower rise up (both maximum heights). This phase also includes a new 1,800 sq.m public square between the hotel and the McLaren building (Exchange Square).

Amount of Development

- 1.4. The application proposals provide a podium above parking (63 spaces) with retail and the residential entrances wrapping around. Of the new spaces a total of 42 would be available to occupiers of the residential part of this development, with the 21 of the remainder re-provided spaces for the retained McLaren tower. Access to these spaces would be via the existing access created for Phase 1. Above this level two buildings rise to a maximum of 16 and 36 storeys (these heights include ground and lower ground).

- 1.5. The application proposes a total of 375 dwellings (27,647 sq.m GIA) and 3-storey commercial concierge/social hub and 790 sq.m GIA commercial/retail (flexible within uses A1-A5 and B1). The residential offer includes a total of 949.3 sq.m GIA residents' amenity space in addition to roof top terrace areas (communal at 1st and 31st floors and private at the 33rd).
- 1.6. The residential mix is as follows:
- 184 one bedroom apartments (41.43 sq.m – 43.56 sq.m) – 49.1%
 - 190 two bedroom apartments (55.62 sq.m – 70.34 sq.m) – 50.7%
 - 1 two-bedroom penthouse duplex (107.7 sq.m) – 0.3%

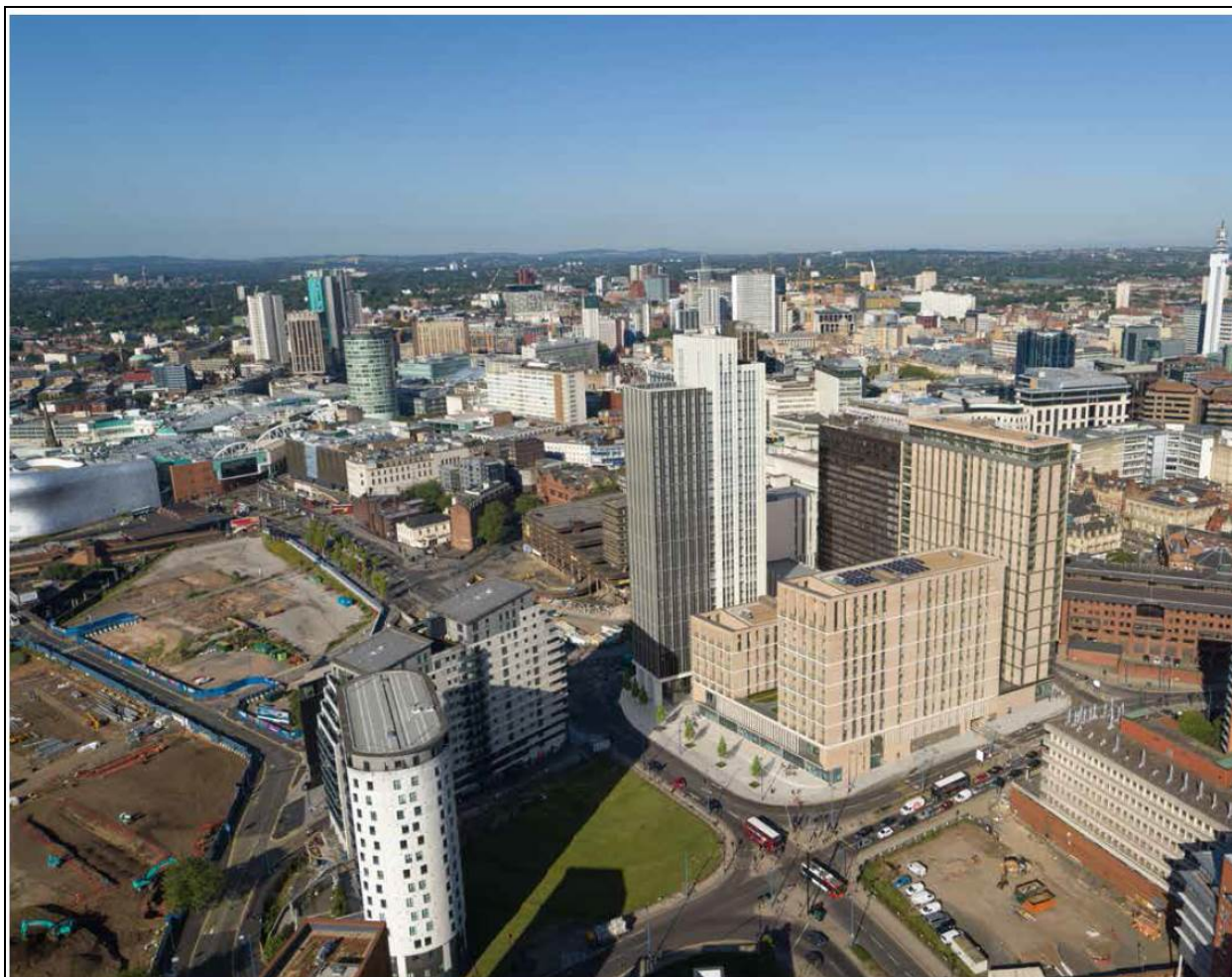


Figure 1 – CGI of the proposed scheme next to Phase 1

DESIGN/LAYOUT

- 1.7. The proposed buildings comprise of two tall buildings rising from a single podium level which covers the majority of the site that is not part of the public square or the public route between Phases 1 and 2.
- 1.8. Levels fall towards the southeast such that the podium is two storeys onto Moor Street Queensway whilst only being one storey in height at the public square adjacent to the McLaren tower. The underground parking and servicing utilises this fall in height, with a space beneath the square and hotel building.

- 1.9. Externally the podium provides a unifying feature to the different buildings above. It has extensive active frontages to three of its elevations including a central retail unit on the Priory Queensway frontage, the hotel entrance lobby and core on the corner of Priory and the public square, the hotel restaurant/bar and a further retail unit animate the square frontage. At the Moor Street Queensway end of the podium there is a large retail unit on the corner with Priory Queensway with potential external seating/spill out space. The residential entrance is situated on the corner of Moor Street Queensway and the route between Phases 1 and 2. Areas of inactive frontage are limited to louvered central sections of this pedestrian route and Priory Queensway elevations.
- 1.10. The design incorporates large areas of glazing to support the active uses around the ground floor. In addition to the louvered sections the solid elements would be architecturally finished concrete.

Hotel

- 1.11. The proposed hotel would address Priory Queensway with its taller 14 storey element incorporating a three storey colonnade/cantilever feature at the entrance to the new public square. Behind this the building drops to 8 storeys in height (including ground floor) fronting on to the new public square.
- 1.12. The primary material would be pre-cast architecturally finished concrete with panels separated by floor to ceiling windows. The 8 storey element that forms the southern boundary of the square incorporates a cantilevered upper 3 floors which includes a variation on the window position to those on floors below.
- 1.13. The pedestrian route elevation includes a band of 5 no. floor to ceiling windows and a projecting concrete fin. At the square level the retail store would wrap around the corner with fins, glazing and panelling finishing this part of the elevation as the stairs descend to the lower level below. At the base of the stairs there would be a large louvered area to serve the back of house facilities.
- 1.14. In architectural appearance, the elevation facing the proposed tower (south) is similar to the square facing elevation except that the concrete fin on the corner gives the impression that the upper 5 floors are cantilevered over the pedestrian route between phases 1 and 2.
- 1.15. At its critical junction with Priory Queensway the building not only marks this with additional height and a generous cantilever but also, through the use of fins, gives the impression that the middle three floors of the building are rotated by 90 degrees. The cantilevered part of the building is also splayed into the site to help lead people into the new exchange square public space.
- 1.16. BREAM 'Very Good' is the sustainability target for the hotel building.

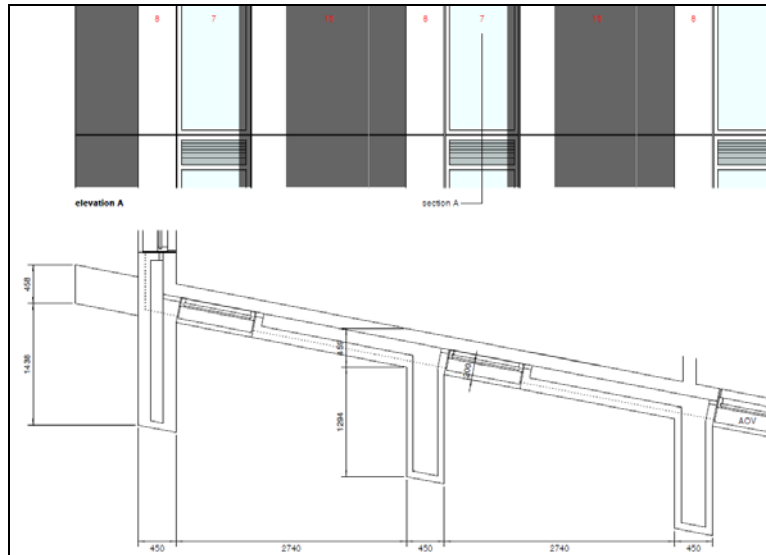


Figure 2 – Cross section through hotel façade showing the depth of modelling

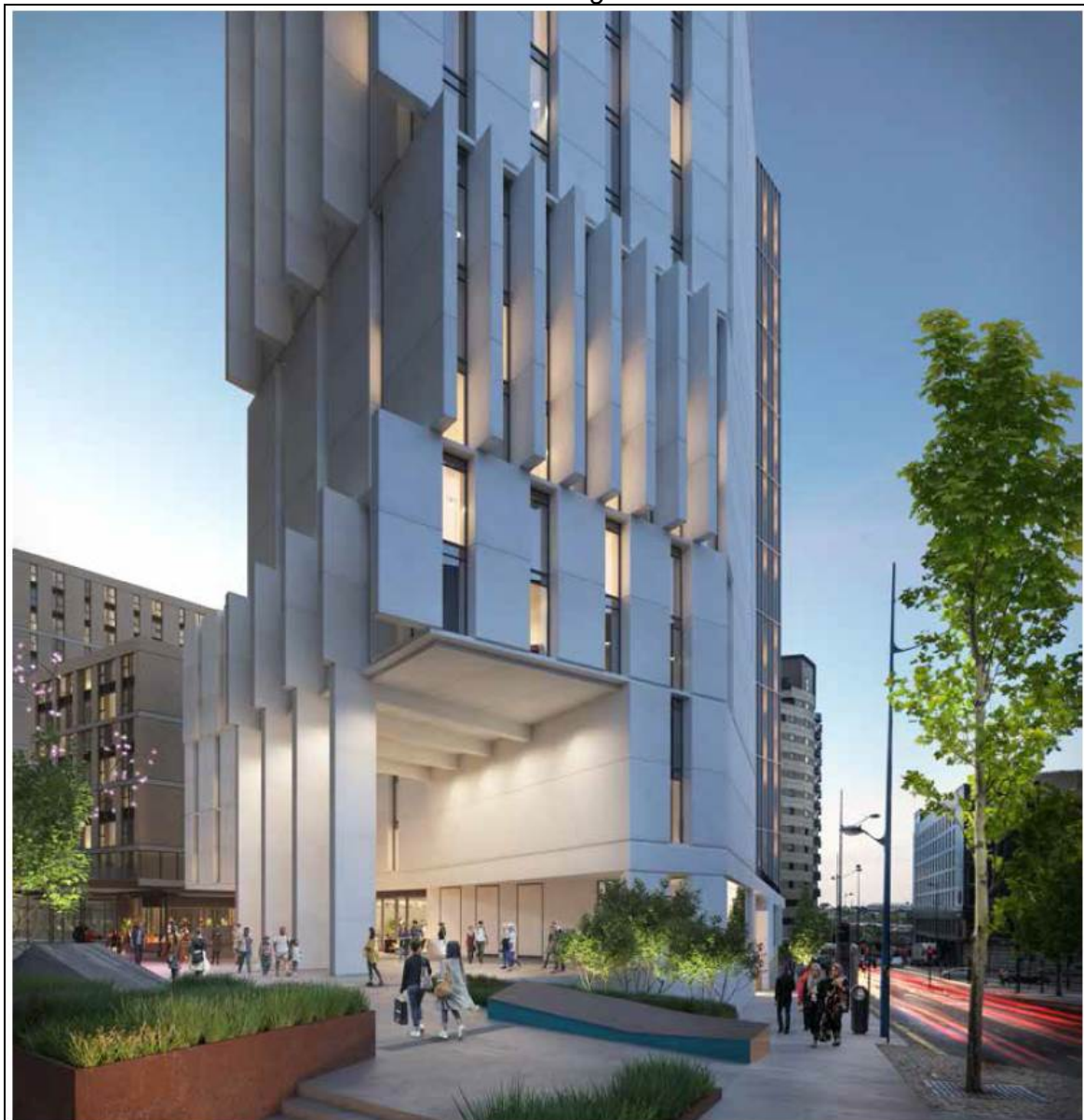


Figure 3 – CGI of the hotel from Priory Queensway

Residential Tower

- 1.17. This element, being a maximum height of 36 storeys and the tallest building on this city block, is designed as a striking marker of the site, acknowledging the forthcoming new Curzon Station to be delivered as part of the High Speed 2 project. The building would be visible from both entrances to the new station, with a direct route through the earlier phase of the Masshouse to the proposed eastern concourse.
- 1.18. In addition to its height the building has been designed to provide interest through its massing, modelling and architectural approach.
- 1.19. The top roofline of the tower varies in height between 32 and 36 storeys. The top two floors of the tower would accommodate two apartments and a single duplex, two of which would have private rooftop amenity spaces on the north side of the building. The building widens for the 33rd and 34th floors, with 6 apartments at each level. A large 332 sq.m communal roof terrace would be provided at the 33rd storey. There would also be a plant enclosure at that level.



Figure 4 – Top of residential tower

- 1.20. From the 3rd storey (the first level of residential apartments) to the 32nd the whole floorplate would be utilised for apartments. At the 3rd storey, the first level above the podium, private terraces would be provided on the Priory Queensway elevation between the tower and the extent of the podium which runs to back of pavement. These terraces vary in size from 14.22 sq.m to 34.84 sq.m.
- 1.21. At the lower two floors, in addition to the retail and residential entrance there would be plant and servicing for both elements of the building (including bin stores), cycle storage and a private residents' amenity space. Due to the change in ground levels

and the extended floor to ceiling heights at the lower levels there is an intermediary mezzanine level.

- 1.22. Above the ground floor, the tower is divided into two distinct elevational treatments and forms a rough 'L-shape' in plan. The tallest section on the hotel side is constructed of textured pre-cast architecturally finished concrete panels with a three storey expressed grid for the majority of the façade, with the top of the tower a larger expression. A slightly different window configuration would mark the junction between the taller and lower concrete parts of the tower. Projecting concrete fins would be used on the taller part of the tower facing Phase 1 providing further texture.
- 1.23. The lower part of the building at the Moor Street Queensway side would continue the grid pattern of the taller element but utilises darker metal panelling to break up the overall massing of the building and to provide visual interest and contrast to the textured concrete element. The grid on this part of the building is formed with a series of metal ribs.
- 1.24. The proportions of the top/middle/bottom of the tower have been aligned with classical proportions

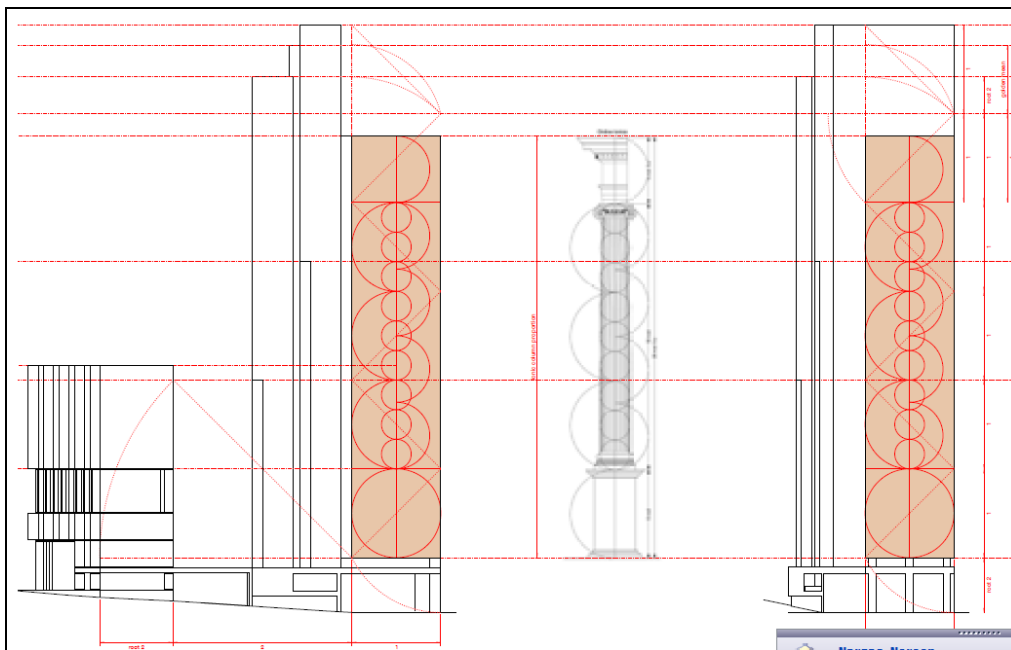


Figure 5 – Classical proportions of the tower



Figure 6 – The Residential Tower from Moor Street



Figure 7 – Elevated view – Moor Street Queensway

Landscaping

- 1.25. The 1,832 sq.m new public square is about the size of Oozlle's Square in Brindley Place. The design uses a combination of shrub planting in raised planters, trees (indicatively shown as maple and cherry), seating areas and sculptural trees that form part of the wind mitigation and art strategies. The detailed design has a 'fractured' aesthetic drawing upon the existence of a geological fault line within the vicinity of the site. This is echoed in the paving, planting and seating design. The landscaping manages a transition zone which provides access to the site and buildings from Priory Queensway, a wider circulation/dwell space and opportunities for activity on the square's edges to spill into the square.
- 1.26. The sculptural trees within the square use the opportunity created by the need to manage wind through the space to create sculptural public art.
- 1.27. The plans allow for and acknowledges the potential for an extension to the McLaren tower in the future.



Figure 8 – Landscaping overview



Figure 9 – CGI of the square with hotel and residential tower beyond

Servicing and Access

- 1.28. An off road service strip was constructed along the Moor Street Queensway frontage as part of Phase 1. The application buildings would utilise this, with the bin store locations near the bottom of the stairs between the two phases having direct access to this area. Larger vehicles such as bin lorries would be able to enter this area and exit onto Chapel Street.
- 1.29. The proposed development adds a further 63 parking spaces to phase 1, resulting in a total of 250 on-site parking spaces across the two phases of which 21 would be reserved for the McLaren tower.

Wind Mitigation

- 1.30. The supporting wind report sets out that mitigation is required in order to provide a safe and comfortable environment in and around the development. The mitigation tested in the report includes solid screens both to the immediate south of the residential tower (with indicative designs shown in the updated Landscape Strategy) and in the gap between the Phase 1 tower and the McLaren Building in the form of a canopy. Tree planting in the square and on both Moor Street Queensway and Priory Queensway was also included as mitigation when tested.

Sustainability

- 1.31. In order to maximise the efficiency of the building and minimise reliance on fossil fuels the building will include a high performance thermal envelope, including high performance glazing. The building would utilise electric heating allowing for the continued sustainability improvements achieved on the national grid to be captured. In addition air source heat pumps will be used for the hotel and photovoltaics are proposed for use on the roof.

Other

- 1.32. Comprehensive plans; Landscape Design Strategy; a Planning Statement; Design and Access Statement; Transport Statement; Financial Viability Statement; Environmental Wind Planning Report; Preliminary Contamination Report; Flood Risk Assessment and Drainage Strategy; Sustainability Statement; Air Quality Impact Assessment; Archaeology Assessment; Ecological Assessment; Fire Strategy; Kitchen Extract Statement; Noise Impact Assessment; and Surface Water Operation and Management details have been submitted in support of this application.
- 1.33. Since submission there have been minor changes to the design and further information in the form of a Townscape and Visual Impact Assessment, further drainage comments, an Energy Statement, an amended Wind Report, a Landscape Strategy and a Daylight and Sunlight Assessment.
- 1.34. The Financial Viability Appraisal submitted in support of this application states that due to the high quality and quantity of the public realm delivered by this phase no further contributions such as affordable housing would be viable. Further analysis of this appraisal by the city's independent financial advisors has resulted in an offer of 5.5% off site affordable housing (equating to £858,000) in addition to the £3.2m that would be secured for the high quality public realm.

1.35. [Link to Documents](#)

2. Site & Surroundings

2.1 The application site is some 0.4ha of cleared land bounded by Priory Queensway, Moor Street Queensway, Phase 1 of Exchange Square and the McLaren building and Dale End to the north. The site is currently used as a temporary construction compound for Phase 1 which is nearing completion. The site has existing vehicular access off Chapel Street into the Phase 1 basement along with a service road on the Moor Street Queensway frontage. Across the site, levels fall towards the southeast by approximately 6 metres.

2.2. Whilst outside of the application site, the McLaren Building (a 22-storey office tower) is also situated within this development block and would remain as part of the masterplan.

2.3. The surrounding area comprises a mixture of uses including:

- The Aston University and the Birmingham Metropolitan College Campus's, to the north on the opposite side of Chapel Street;
- Birmingham Ormiston Academy to the north east, with the NTI Birmingham City University building and the listed Christopher Wray building adjacent;
- Plot 3 of the wider Masshouse redevelopment site, situated due east on the opposite side of Moor Street Queensway. Within this site two of the apartment blocks are now complete ('the Hive') with the cleared site previously benefitting from full consent for a new Magistrate's Court on it. Permission has also been granted for a smaller tower block with ground floor commercial and 15 apartments above, to the south east part of this plot.
- Plot 4 to the south east has been developed as a hotel which is triangular in plan – Clayton Hotel;
- A public car park and cleared site is situated to the south, which is the subject of the Martineau Galleries redevelopment proposals; and
- A further public car park with offices above and the crown court is situated to the west / north-west.

2.4 It should be noted that a future phase of the Metro tramway is proposed nearby connecting the operational latest Birmingham City Centre and Centenary Square Extensions at Bull Street with High Street Digbeth. The route is likely to travel along Bull Street crossing Moor Street Queensway in front of Clayton Hotel before travelling beneath the new High Speed Two Station on New Canal Street.

2.5 Exhumations and latterly site preparation works are ongoing on the former City Park Gate and Curzon Park sites running from Moor Street Queensway south of Clayton Hotel to Lawley Middleway. This is the first stage of construction works for the new Curzon Street railway station, which will act as a terminus for the first phase of the High Speed 2 new rail link to London Euston.

2.5 The site is a designated site within the Birmingham City Centre's Enterprise Zone



Figure 10 – Aerial View of the site (to the left) during the construction of Phase 1 illustrating the challenging levels of Priory Queensway

[Site Location](#)

3. Planning History

- 3.1. 11.07.2002 – 2002/00412/PA – Approval - Mixed use development to include office (including public/civic uses), residential, 6,000sqm food store, leisure, hotel and educational buildings and associated infrastructure landscape and public realm works
- 3.2. 19.03.2008 – 2007/01816/PA – Approval - Outline planning application (all matters reserved) for the construction of a major mixed-use development of up to 70,907sqm (gross internal area) comprising of four buildings (22-storey, 2x16-storey, 12-storey) for retail (for use classes A1, A2, A3, A5) office (use class B1) and residential (use class C3) or hotel (use class C1) plus associated landscaping and car parking (502 spaces)
- 3.3. 21.12.2012 – 2012/04280/PA – Approval - Variation of Conditions C4, C8, C9, C10, C21, C22 and C23 of planning permission 2007/01816/PA to introduce increased flexibility over building heights and positions, establish parameters for pedestrian routes and public spaces, re-introduction of civic uses, and deletion of Condition C14 to remove the requirement for a minimum level of parking

- 3.4. 12.12.2014 – 2014/06135/PA – Approval - Variation of condition number 29 attached to approval 2012/04280/PA to allow the total floorspace to include additional provisions of up to 70,000 sq.m Use Class C3 (Residential) and 14,409 sq.m Use Class C1 (Hotel)
- 3.5. 15.02.2016 – 2016/01100/PA – Approval - Variation to condition 33 to alter wording to allow for the proposed roof terrace outside of the maximum building height parameter
- 3.6. 13.05.2016 - 2016/02326/PA - Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 2 of exchange square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 17,971 sq.m (GIA) comprising a part 9-storey, part 16-storey building (including ground and lower ground floors) to provide 223 dwellings (use class C3) and 2,097sqm (GIA) retail use floorspace (flexible within use classes A1/A3 / A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA
- 3.7. 28.04.2016 - 2016/01063/PA - Reserved Matters Application for approval of access, appearance, landscaping, layout and scale for Phase 1 of Exchange Square (formerly known as Masshouse Plot 7) for the erection of a mixed-use development of 43,326 sq.m (GIA) comprising three buildings (9-Storey, 16-storey and 27-storey including ground and lower ground floors) to provide 603 dwellings (Use Class C3) and 2,653 sq.m (GIA) retail and commercial floorspace (flexible within Use Classes A1-A3 and A5 and B1) with associated landscaping, public realm and car parking pursuant to outline planning permission 2014/06135/PA

4. Consultation/PP Responses

- 4.1. Transportation Development – Raise no objection subject to conditions requiring a Construction Management Plan and that parking and cycle spaces are provided before occupation of the development. In addition recommend that a resolution be sought to stop up the highway maintainable at public expense which is within the site – namely the elevated footway that links Priory Queensway to the McLaren building/Dale End.
- 4.2. Leisure Services – Raise no objection and note the earlier agreement as part of outline consents to put off site contributions towards the formation of a new public square.
- 4.3. Regulatory Services – Notes that the principal source of noise is road traffic and the glazing specification set out in the supporting statement is acceptable. Considers that more detail is required in respect of extraction and therefore recommends a condition requiring this. Further conditions regarding the details of the junction between the commercial and residential parts of the building and controlling plant noise are recommended. Concurs with the recommendation of further intrusive ground investigations set out in the supporting desk study and recommends further conditions to secure this. In respect of Air Quality concerns were raised by Regulatory Services and the applicant provided commentary on the points made and further comments were provided.
- 4.4. BCC Employment Access Team – Recommend either a condition or a Section 106 clause to secure local employment.

- 4.5. Lead Local Flood Authority – Raise no objection subject to a condition requiring further details of the proposed sustainable drainage scheme.
- 4.6. Severn Trent – Raise no objection subject to a condition requiring drainage details. Note that there is a public sewer that crosses the site.
- 4.7. Environment Agency – No objection subject to a condition requiring detailed site investigations and any necessary remediation.
- 4.8. West Midlands Fire Service – Note the submitted fire strategy and that appropriate Building Regulations consent will be required and therefore raise no objection.
- 4.9. West Midlands Police – Raise no objection but provide detailed comments on how best to secure the building including CCTV, limiting interconnecting uses, lighting levels, details of how the barriers will operate, benefits of having 24 hour concierge for both hotel and residential uses, that Secured by Design principles be adopted, details of a management plan, ensuring that the landscaping is designed as to limit anti-social behaviour and provides guidance on suggested glazing standards.
- 4.10. Natural England – No comments to make on this application.

Design Review Panel

- 4.11. The scheme was presented to the DRP on the 11th November 2019. The panel supported the scale and positioning of buildings and considered the spaces created an asset. The square was considered to cleverly create an interesting space overcoming the difficulties of fronting different buildings at different levels whilst aligning with the route in Martineau Galleries. Further consideration was recommended to:
 - Use of more innovative landscaping and removal of a retaining wall to the street to create a better hotel entrance
 - Give greater consideration to the detail of the link to Dale End to the side of the McLaren Building adjacent to Priory Queensway given that Dale End would terminate here in the Martineau Galleries scheme.
 - The architectural treatment of the top of the residential tower. Top of the tower's treatment was considered to be slightly weak and consideration to having a simplified form to the top and additional windows should be considered.
 - The materiality of the building. The use of concrete panel was supported and helps express the brutalist tradition in which the building will sit, however the contrast between textured and smooth elements need careful management. The panel felt that the textured panel appears to emulate riven stone whereas it should express the material more confidently and interesting (for example in the way it is cast, shuttering, chipping etc).
- 4.12. Site and Press Notices posted and Ward Members, the MP, Residents' Associations and neighbouring occupiers consulted with the following representations received:
 - Two letters from occupiers of the McLaren Building raising concerns in relation to construction noise (affecting a test environment) and that anything over 9 storeys would affect light to this office building.

- One response from a resident has been received stating that the design is poor and that taking inspiration from brutalism is not appropriate. Considers the building would loom over the new HS2 station. Adds that there is a poor interface with Phase 1 with a dark dingy alleyway between the phases. Considered that the previous design was sleeker and more stylish and in keeping with Phase 1. Adds that concrete walls are hideous and will appear drab and dirty in a few years' time. High Quality materials, striking design, high quality green spaces and retail activity are important for the success of this scheme.
- Finally an objection from the long lease holder of Phase 1 has been received relating to the originally submitted proposals. This is on the basis of the development creating an excessively windy environment which can lead to unattractive and unsafe areas. Add that the environmental effects on daylighting to Phase 1 are unknown and therefore need a daylighting study. No further comment has been received following the receipt of the additional/amended information.

5. Policy Context

- 5.1. The Birmingham Unitary Development Plan saved policies (2005); Birmingham Development Plan (2017); Steelhouse Conservation Area Character Appraisal and Supplementary Planning Policies (2007) SPD; Car Parking Guidelines SPD (2012); Places for All (2001) SPG; High Places (2001) SPG; Places for Living (2001) SPG; and the National Planning Policy Framework (as amended 2019). Also the non-statutory Big City Plan and the Curzon Masterplan.

6. Planning Considerations

POLICY

Local

- 6.1. The Birmingham Development Plan (BDP) sets out the areas where major growth of the City Centre will occur, with five wider areas of change identified, drawing upon the earlier Big City Plan. The BDP sets out the ambitious growth of the City Centre to the south and identifies five strategic allocations for the centre, including Eastside centering on Eastside Park and the new High Speed 2 station. The BDP states that Eastside's role as an area for learning and technology will be maximized and recognises the extensive development opportunities and the potential to integrate proposals into the HS2 railway station. The BDP adds, at GA1.2, that the ongoing regeneration of this area will enable the expansion of the city core with well-designed mixed use developments including office, technology, residential, learning and leisure and specifically identifies Exchange Square as a development site.
- 6.2. Policies TP3-5 provide detail on considering sustainability, with a specific requirement in TP4 that all residential developments over 200 units must consider Combined Heat and Power facilities first followed by other solar and thermal, wind, biomass or ground source heating for powering developments.
- 6.3. TP6 requires the sustainable management of both surface and river water highlighting the need for Sustainable Drainage Assessment and Flood Risk Assessments and the BDP recognises that large increases in impermeable areas for

a site could contribute to a significant increase in surface water run-off which could in turn contribute to an increase in flood risk elsewhere.

- 6.4. TP12 sets out the City's approach to preserving and enhancing its historic environment. It states that proposals that affect heritage assets or their setting will require an understanding of the asset's significance and the impact the proposals would have. It adds that great weight will be given to the conservation of the City's heritage assets.
- 6.5. Policy TP21 seeks to protect the vitality and viability of shopping centres across the city, identifying the City Centre as a focus for significant growth.
- 6.6. TP25 recognises the role of Birmingham as a centre for tourism, culture and events and that the provision of hotels are important to support these functions. TP26 seeks to maximise opportunities presented by new developments for local employment. This can be both during the construction and operational phases of the development.
- 6.7. In respect of policies relating to residential uses, TP27 requires new housing to contribute to making sustainable places with a mix of housing types; access to local facilities and the public transport network; a reduced dependency on cars; a strong sense of place; environmentally sustainable, create attractive and safe public spaces and create opportunities for public stewardship where possible. TP28 adds that new development, amongst other things, should be located outside of flood zones 2 and 3a unless effective mitigation measures can be demonstrated; must be adequately served by infrastructure; and be sympathetic to historic, cultural or natural assets.
- 6.8. TP31 states that the City will seek 35% affordable homes as a developer contribution on developments of 15 dwellings or more with a presumption that this be provided on site unless off site provision would help deliver other policy objectives. The policy acknowledges that this level of provision may not be financially viable and that in such circumstances a viability assessment should be provided by the applicant for consideration. Further details on wider developer contributions are given in TP47.
- 6.9. Policies TP38-45 set out the City's aspiration to encourage sustainable transport, prioritising the needs of pedestrians and cyclists together with public transport over the private motor car supported by the planning and location of development.
- 6.10. The saved policy 3.14 of the Birmingham UDP provides specific guidance in relation to how to achieve good urban design.
- 6.11. In addition to the above there are separate policies adopted in relation to specific issues as set out above in 5.1. Key policies include the Car parking Guidelines which set out the maximum car parking and minimum cycle parking targets. Places for Living sets key design principles for residential developments. Places for All provides more general design guidance, whilst High Places provides design guidance specifically for buildings of 16 storeys or more.

National

- 6.12. Members will be aware that the National Planning Policy Framework (NPPF) was comprehensively reviewed and reissued in July 2018 with further changes in 2019. Sustainable Development continues to be at the heart of the framework, which

establishes a presumption in favour of such development. Development is required to address the three key aspects of sustainability (economic, social and environmental) in order to constitute sustainable development. The NPPF breaks development down to key themes and provides guidance on each.

- 6.13. Chapter 5 requires a wide choice of homes that meet the authority's objectively assessed needs. Chapter 7 requires the development of a network of centres to maintain their vitality and viability. Chapter 9 adds that sustainable transport measures will be supported and that only developments with a severe impact should be refused. Chapter 12 requires high quality design. Chapter 14 provides policies for the sustainable management of flood risk. Policy 189 of the NPPF requires the significance of a heritage asset to be described and any impact upon that significance should be assessed.
- 6.14. Key issues for consideration are therefore the principle of the development; design; heritage implications; amenity; highway impact; sustainability; drainage/flooding and viability/S106 issues.

PRINCIPLE

- 6.15. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a high quality residential-led mixed use development in a sustainable city centre location. The hotel will support the leisure and business functions of the city centre and is well located to capture the benefits of High Speed 2 and the further development of Eastside in general. The City's Strategic Planning Officer raises no objections to the principle of the development and notes the policy support for the principle of the mix of uses proposed. Attention is drawn to the sustainability, retail and affordable housing policies.
- 6.16. The proposed housing mix is as follows:

	Number	Percentage	Minimum (sq.m)	Maximum (sq.m)
1bed 1person	184	49%	41.43	43.56
2 bed 3 person	167	44.5%	55.62	69.48
2 bed 4 person	23	6.1%	69.87	70.34
2 bed Duplex	1	0.3%	N/A	107.7

Figure 11 – Housing Mix as drawn on the plans

- 6.17. The BDP states that its objectively assessed housing need is 89,000 across the plan period (2017 - 2031) to meet the forecast increase in Birmingham's population of 150,000. Due to constraints across the administrative area the BDP only plans to provide 51,100 homes, with 12,800 earmarked for the city centre. Considering housing mix, the BDP sets the following targets for market dwellings: 1-bedroom 13%, 2-bedroom 24%, 3-bedroom 28%, and 35% 4-bedroom. Although the housing mix figures are not ceilings, given the city's overall housing requirement, there is a need to ensure that the right type and mix is provided in the city as a whole. It is accepted that in the city centre a higher percentage of one and two bedroom

apartments are going to be delivered. Although the development wholly comprises of 1 and 2 bedroom units, given the overall housing needs of the city this is considered acceptable, particularly given the site's location. The proposed mix is 49% one bedroom and 51% (rounded) two bedroom units. It is noted that the one bedroom units are at the smaller end (i.e. suitable for one person occupancy according to the NDSS), however they are in accordance with the national standards and furniture layouts have been provided demonstrating how efficient the proposed apartments are. This includes an absence of corridors in this fully sprinklered building.

- 6.18. The ground floor commercial uses will provide the development with activity throughout the day, with the surrounding streets and square providing significant commercial facilities for the occupants of the wider Eastside area without competing with the core retail area of the city centre.
- 6.19. The proposed development is consistent with the broad policy context outlined above. The scheme would deliver a true mixed use scheme in a sustainable city centre location. The City's Strategic Planning Officer raises no objections and considers the scheme to be an appropriate form of regeneration for this site. The proposal would result in the development of the final phase of the wider Exchange Square development which collectively delivers a high quality residential environment with the hotel and retail uses helping to spread the activity generated by the development throughout the day and into the evening. Therefore, subject to more detailed considerations explored below, no objection is raised to the principle of the proposals.

DESIGN

- 6.20. Both at pre-application stage and during the course of determination of this application, officers have secured significant changes to the scale and design of the proposed development. Height is concentrated on the key corner facing the new HS2 terminus station providing a true marker for the city core.

Hotel

- 6.21. The design of the hotel is truly distinct and will provide a contrast to the surrounding buildings. The cantilever, fins, offset grid, chamfer and rotated fenestration provide significant architectural interest through the building's massing. These features combine to provide a form of building that would be truly distinct and add significantly to the townscape of this part of the city centre.
- 6.22. In contrast to the relatively complex architectural form, the simplicity of architecturally finished concrete panels works to provide a successfully realised design. The quality of the concrete finish, given the crisp lines proposed, will be critical to the success of this building and therefore a condition is recommended to control this.
- 6.23. The scale of the hotel is satisfactory and works to contain the new public square without overly dominating the space. The eight storey element is approximately the same as the previous eight storeys consented at this end of the site (although it is closer to McLaren tower).

Tall Building

- 6.24. The High Places SPG sets out the potential benefits of tall buildings as:
- ability to act as landmarks aiding legibility
 - clusters of tall buildings can signal the location of the centre of the city
 - a distinctively designed tall building or group of buildings can assist in giving the city a unique skyline that is easily recognisable in an international context
 - marking important facilities (e.g. civic buildings, universities, etc)
 - high quality tall buildings could help attract more international companies to the city
- 6.25. The proposed tower lies on one of the designated location for tall buildings ('appropriate locations') set out in High Places. In addition, the updated, although non-statutory, Big City Plan expands the city ridge area for tall buildings, including the application site.
- 6.26. High Places sets out a series of further requirements for tall buildings to ensure that only high quality design that successfully integrates into its surroundings is supported. These include that the building:
- must be of the highest quality in form, design and materials
 - must respond positively to local context
 - should contribute to legibility
 - should provide a good place to live
 - should be sustainable
 - must be lit at night by well-designed lighting
- 6.27. At a maximum of 36 floors of accommodation, the height of the tower has been designed so that it provides a visual marker when arriving into the city from the new High Speed railway terminus.
- 6.28. A Townscape and Visual Impact Assessment has been provided which identifies that any adverse impact is minor with major beneficial impact to Moor Street Queensway/HS2 station square identified. This assessment demonstrates how the tower would successfully reinforce the city's skyline from the High Places key views. In addition, closer views of the scheme demonstrate that the tower would, through the cranked relationship between the two key elements and the variation in height of the concrete section, provide visual interest in closer and intermediate views. The deep modelling of the fenestration would provide the building with texture from closer viewpoints.
- 6.29. Views provided also demonstrate how the building successfully meets the ground with a large active frontage onto the key corner with support columns filtering but not totally deadening the street scene. The proposed trees on Priory and Moor Street Queensway provided as part of the landscape and wind mitigation strategy help soften what could be a very hard urban environment.
- 6.30. Subject to suitable safeguarding conditions, the application demonstrates that the proposed tall building would be of high architectural quality and, working with existing tall buildings, would add to the city's skyline in a positive way. The building would reinforce the location of the city core and provide a prominent marker for visitors to the city via the new railways station. The proposed location is identified in policy and the submission demonstrates how the potential of this site will be maximised.



Figure 12 – TVIA View from Station Square (superseded design – upper level balconies omitted)



Figure 13 – TVIA View – Jennen's Road

Public Realm

- 6.31. The proposals include a generous (circa 1,800 sq.m) public square between the hotel building and the McLaren tower. This is comparable to Oozles Square in Brindley Place. A landscape concept has been provided showing the balance between hard and soft landscaping, with the emphasis on trees (to provide immediate impact and legacy), public art/wind mitigation and hard landscaping (to provide flexibility over use) supported.
- 6.32. This phase would also see the widening of the public route between phases 1 and 2 to just over 6m wide and the delivery of tree planting around the development on Priory Queensway.
- 6.33. Overall the development seeks to maximise the opportunities for tree planting and flexibility of use over the public realm. Subject to the finer detail of the landscaping, secured by condition, the proposals would provide convenient and logical routes and spaces through and around the development.

Design Review Panel

- 6.34. In responding to the four key points raised by the panel the applicant has clarified the relationship with Priory Queensway and provided the following cross section demonstrating that despite the challenging levels there would not be a tall retaining wall onto the street.

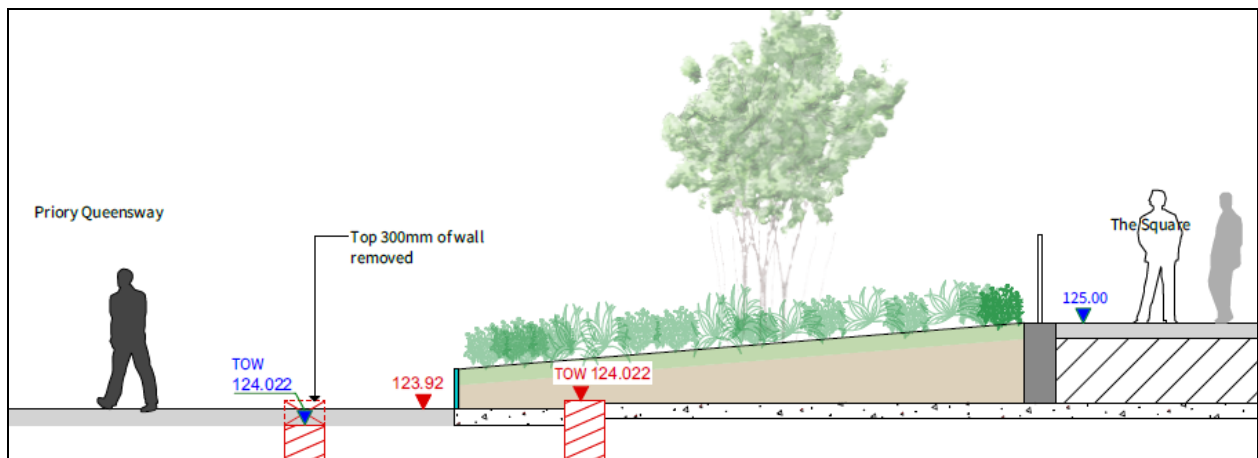


Figure 14 – Landscape Cross Section

- 6.35. In response to the panel's point regarding the treatment of the upgraded route between Priory Queensway and McLaren Building, the applicant has clarified that the route would be resurfaced to complement the new square. Unfortunately structural limitations presented by the highways structure of the Queensway and the need for plant/ventilation of the car park result in that no fundamental changes to this structure being possible.
- 6.36. In respect of the building form, and in particular the treatment of the top of the tower, the architect has explored alternative options including adding additional glazing to these levels, however this has had an adverse impact upon the architectural appearance of the building. The applicant concludes that the design has been a result of 2 years of discussion with officers and that they have confidence that the

current design is of high quality that will distinguish it from other proposals in the immediate vicinity and contribute interest to the city's skyline.

- 6.37. In respect of materials, the design of the residential tower incorporates a smooth concrete frame which has a direct relationship with the hotel. The infill concrete panels on the tower are textured to provide visual interest in what could have been a flat elevation. The aim was not to emulate stone but to provide this textured interest. The finer detail of this material would be controlled via condition.
- 6.38. Concluding on design, subject to conditions securing the final detail of the buildings and public realm, the development would offer high quality architecture and spaces that would have both a substantial positive local and wider impact in terms of cityscape.

HERITAGE IMPACTS

- 6.39. The application proposals would affect the setting of listed buildings within the wider area together with the Steelhouse Conservation Area. An Archaeological Assessment submitted in support of this application concludes that the archaeological potential of the site is low and that there is no need for further investigation.
- 6.40. Considering the setting of listed buildings, there are none within close proximity to the site, the closest being the former Christopher Wray (Bartholomew Row), over 100m away. More distant include Curzon Station, St. Michael's Church, Woodman Public House, Magistrate's Court and Steelhouse Police Station. All views and experiences of these assets are in a highly urbanised city centre environment with all either having interrupted views or with significant development providing a backdrop. The development of the cleared plot of land adjacent to the Hive at Masshouse will further interrupt views from the east. To conclude the impact of the proposals would not affect the significance of these designated heritage assets and represent a further development of townscape in a city centre context.
- 6.41. Considering the Warwick Bar and Digbeth conservation areas, these are more distant and the development would be seen as part of the city's wider skyline. Therefore there is no material impact to the significance of these assets.
- 6.42. In respect of Steelhouse, views would be interrupted and Phase 2 would be seen in context with Phase 1 and the McLaren tower. Therefore there is no harm to the significance of this designated heritage asset.
- 6.43. The Conservation Officer concurs with the above and concludes that whilst the development is seen within the setting of heritage assets this is at a distance and against a townscape that has been the subject of significant change. Mitigation is found in the quality of the architecture proposed and should be conditioned as necessary.
- 6.44. From an archaeological perspective, the city's Conservation Officer notes that the site was excavated in 2002 and 2003 and nothing was found and therefore no further excavation is required.

RESIDENTIAL AMENITY

- 6.45. Apartments within the scheme would benefit from generous amenity space in a range of formats including internal amenity providing ancillary facilities such as the

residents' gym, lounge, dining facilities (totalling 949.3 sq.m); communal high level external amenity space on the 31st floor (totalling 361 sq.m); and individual external terraces for certain units (totalling 332 sq.m). Overall this adds up to 1,643 sq.m of private amenity space. This is over and above the public amenity space provided in the form of the square which totals approximately 1,800 sq.m.

- 6.46. All of the proposed units would meet the Nationally Described Space Standards and furniture layouts have been provided to demonstrate an acceptable level of amenity.
- 6.47. A Sunlight and Daylight Report in relation to the impact of the scheme on Phase 1 has been provided. This detailed assessment compares the daylight and sunlight in two scenarios which are:
- A) the baseline position as previously consented on the site (14 storeys)
 - B) the current proposals against the above baseline
- 6.48. In respect of Daylight, the report concludes that when assessed against Visual Sky Component and Daylight Distribution criteria the vast majority are in accordance with BRE guidelines. The majority of the windows that do not achieve the recommended daylight distribution levels are bedrooms, which the guidance recognises as less important. The report notes that the increase in scale will have some impact, the results are similar to those in the consented scenario.
- 6.49. Considering Sunlight, 82% of the windows assessed in Phase 1 would meet the guidelines. 80 out of 137 windows that do not fully meet the guidelines are bedrooms, where there is greater flexibility. In respect of the remaining 57, 37 achieve reasonable levels of annual sunlight (15%-32%). Of the 20 most affected by Phase 2, 18 do not meet the guidelines in the baseline consented scenario.
- 6.50. Considering that no specific standards are set out in policy for a development to meet (neither in the BDP nor High Places) the national BRE guidance is used as a guide to determine impact. As part of this consideration mitigating circumstances, the limitations of the guidelines and the wider policy context all have to be considered. BRE guidelines are guidelines and not standards. They are not mandatory nor do they form planning policy. Given the dense urban character of the site, forming part of an expanded city core, and comparing the impact to the previously consented scheme on this site, the impact is considered acceptable on balance.
- 6.51. In terms of outlook from Phase 1, when assessed against the baseline of the previous consent, again this is considered acceptable.

Air Quality

- 6.52. The supporting Air Quality Assessment concludes that temporary construction impacts can be managed through site mitigation measures and will not be significant. In respect of the operational phase of the scheme once complete no significant impacts were identified despite applying a cautious approach to pollution modelling assuming that there would be no improvement on vehicle emissions. There would be no exceedances of air quality standards above ground floor level, and note that no residential is proposed at ground floor level. It adds that there is anticipated to be an improvement going forward, particularly upon the implementation of the Clean Air Zone.

- 6.53. Regulatory Services have raised questions about the baseline data used for the initial report, with the applicant responding with a justification for the selection of data. Any further comments received in response to this will be reported, however a condition is recommended that a further Air Quality Assessment is undertaken and appropriate mitigation is installed prior to the occupation of the residential part of the development.

Noise

- 6.54. In respect of future occupiers, the Noise Assessment models the proposed buildings in the current noise environment and suggests mitigation in the form of varying glazing specifications across the development, with the primary source of noise being traffic. It recommends a standard of mitigation to be provided between commercial and residential parts of the buildings.
- 6.55. The report also assesses the impact of the development on its surroundings including commercial and plant noise. Regulatory Services raise no objection subject to conditions and these are recommended. It is noted that Regulatory Services prefer high level extraction from commercial, however the final detail of any extraction can be considered at conditions stage.
- 6.56. Therefore, subject to safeguarding conditions no objection is raised no noise grounds.

Ground Conditions

- 6.57. The supporting Site Investigation concludes that further investigation and potential remediation may be required. Regulatory Services and the EA raise no objection subject to the conditions as recommended.

DRAINAGE

- 6.58. Severn Trent raises no objection subject to a condition requiring further drainage details. Following the receipt of further information the Lead Local Flood Authority raise no objections subject to a condition requiring further details of the sustainable drainage strategy. The site is not in an area of high flood risk and the proposals incorporate sustainable drainage measures including a green roof, permeable paving, below ground attenuation and flow restrictors. Given that the site is on made ground with an underlying aquifer this is considered an acceptable strategy and an appropriate condition is recommended.

HIGHWAY IMPACT

- 6.59. The supporting Transport Statement notes that the proposals would build upon the phase 1 on-site parking provision (187 spaces for 603 units) adding a further 63 for these 375 proposed dwellings. Of these 250 spaces 21 would be provided for the McLaren building. The report acknowledges that this is less than is currently on the site and less than the 502 spaces approved historically here. It goes on to conclude that despite this the proposed spaces would be sufficient to support the development without a prejudicial impact upon the safety and free flow of the highway network given its sustainable location. It also notes that the scheme compares well with other approved city centre schemes.
- 6.60. Transportation Development notes that Phase 1 has provided the vehicle access points to the site with a shared surface private road alongside Moor Street

Queensway, and car park access on Chapel Street. Therefore this plot will be serviced by the private road and underground routes. The hotel has its pedestrian entrance from both Moor Street Queensway and Priory Queensway. They note that there is a potential for taxis and general traffic to drop-off and pick-up along Priory Queensway but the carriageway is designated as bus stops only so any of these movements would contravene the TRO and the hotel operator needs to make this clear on its website and publicity.

- 6.61. They add that this phase of development provides an additional 63 parking spaces bringing the total spaces to 250, and 41% cycle parking provision, both as agreed in the masterplan. Therefore they raise no objection subject to safeguarding conditions.
- 6.62. The site is within a highly sustainable location and is well placed to take advantage of the comprehensive bus network served from Moor Street and the new HS2 station will be in close proximity. The city's other major railway stations would be accessible to most from this site.
- 6.63. The supporting Framework Travel Plans (one for the residential and one for hotel) proposes a number of measures including appointing a travel plan co-ordinator, providing a public transport travel information pack to occupiers and vouchers for residents to use public transport in order to reduce the reliance upon private cars.
- 6.64. Therefore there are no safety or free flow concerns in relation to the public highway and the proposed development supports the sustainability agenda though reducing a reliance upon the private motor car. Therefore no objections are raised on highway grounds subject to the conditions and resolution recommended by Transportation Development.

WIND / MICROCLIMATE

- 6.65. The supporting Wind Assessment considers three scenarios and applies the Lawson Comfort and Distress Criteria, the three scenarios are:
 - A) The existing site with Phase 1 in situ
 - B) Existing site + One Eastside (CEAC)
 - C) Proposed development with existing context including mitigation measures
 - D) Proposed development with CEAC and HS2 Station
- 6.66. The report demonstrates that the majority of the surroundings would achieve a suitable comfort level for the intended purpose. The mitigation measures proposed includes artwork/sculptural trees in the square; artwork/canopy between McLaren tower and phase 1; tree planting; and artwork/features on the Moor Street frontage. In this scenario the only area where the comfort criterion was exceeded is on Moor Street Queensway (in the middle of the road). The report notes that without the proposed development the comfort criterion is exceeded in their wind tunnel results on Moor Street once CEAC is in place.
- 6.67. The two locations on Moor Street where the criterion is exceeded, with exceedance shown in scenario B, could represent a safety concern for cyclists. The applicant's report concludes that the prevailing winds would be in the same direction of travel which would help provide some mitigation. Whilst not guaranteed, the report makes reference to further developments to the south/south-west which may provide

additional mitigation. On the level of distress on the Lawson Criteria the supporting report states:

“There is a further limiting distress criterion above which ‘Able-bodied’ individuals may find themselves in difficulties at times. This corresponds to a mean speed of 20 m/s and a gust speed of 37 m/s. Aerodynamic forces may exceed the body weight and it may at times become impossible to remain standing...such winds may also affect safety of some road vehicles. (In this study, there are no locations with windiness exceeding the ‘Able Bodied Access’ distress limit.)”

- 6.68. Therefore, given that the distress criteria is reached on Moor Street without Phase 2 and that the location is within the highway rather than footway and noting the commentary in the wind report about the direction of prevailing winds, this is considered to be, on balance, acceptable. This is subject to the proposed mitigation being secured by a suitable condition.

ECOLOGY

- 6.69. The submitted Ecological Appraisal is supported by a desk study and site visit including a preliminary bat roost assessment. The Ecologist recommends conditions requiring ecological enhancement, bird nesting/bat boxes, and brown roof as detailed in the supporting report. In response to the ecologist's comments the developer has provided additional plans to show the location of potential bird and bat boxes.
- 6.70. The City's Arboricultural Officer recommends changes to the tree species and method of planting proposed. This would be subject to further discussion as part of the recommended landscape condition.
- 6.71. Given the site's location and limited existing ecological value the proposed mitigation measures, subject to appropriate conditions, should result in a net ecological gain.

SUSTAINABILITY

- 6.72. The applicant has provided an Energy Statement (amended in September and SAP calculations added 9th December) which states that the buildings have been designed to minimise energy consumption and carbon emissions through the specification of:
- High performance thermal envelopes
 - High efficiency air source heat pumps
 - Effective heat recovery units in the ventilation systems
- 6.73. The report adds that direct consumption of fossil fuels will be minimised by the utilisation of an all-electric space heating systems. The U-Values and air permeability levels will be enhanced beyond building regulation requirements.
- 6.74. Ventilation systems in the residential element of the proposals will recover heat from within the building reducing energy demands. Opening windows provides residents with the option of fresh air rather than relying on energy systems for cooling.
- 6.75. In addition photovoltaic panels will be installed on the roof of both buildings.

- 6.76. Consideration was given to utilising the district heating system, however due to the efficiencies the fabric first approach has on the residential building, minimising the need for heating, the localised highly insulated hot water tanks provided would be more efficient from a heat loss perspective than a large distribution system. The proposed approach also avoids the potential overheating of corridors and communal spaces through this heat loss effect.
- 6.77. The applicant has confirmed that the proposals would meet/exceed Part L of Building Regulations and the hotel would achieve BREEAM 'very good'.
- 6.78. The above demonstrates that the proposals are in accordance with BDP policies TP3 – 5 subject to a condition requiring that the scheme is in substantial accordance with the most recent version of the Energy Strategy.

PLANNING OBLIGATIONS / CIL

- 6.79. A Financial Appraisal has been submitted in support of this application, which has been the subject of detailed independent assessment. Following extensive negotiations with officers supported by the independent assessment by the City's advisors the following package has been secured:
- Public realm works and new square - £3.2m;
 - £858,000 contribution towards the provision of off-site affordable housing (equating to 5.5%)
- 6.80. These contributions represent a significant public benefit mitigating the impact of this large scheme and is the maximum that it can sustain without critically impacting upon the ability to deliver the proposals or compromising the design quality of the proposed buildings and/or public realm.
- 6.81. In relation to affordable housing, the NPPF states that "...the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case..." and that "...affordable housing...is expect[ed] to be met on site unless off site provision or an appropriate financial contribution in lieu can be robustly justified...and the agreed approach contributes to the objective of creating mixed and balanced communities".
- 6.82. No on-site affordable housing is proposed. The scheme is based upon the funding assumptions as presented in the supporting viability assessment and the applicant adds that the project could not sustain introducing on-site affordable housing at this stage without all of these funding assumptions being revisited. The scheme has been the subject of detailed discussions for approximately 2 years, predating the latest version of the NPPF quoted above. In addition, the previous outline consent on this site enabled the developer to elect to pay an offsite contribution. Given these unique set of circumstances, substantial weight is attached to the delivery of the proposals in the shorter term and the significant impact the scheme will have on assisting the city to meet its identified housing need. Finally, the off-site contribution will make a significant impact towards delivering affordable housing elsewhere in the city. It is concluded that, in these particular circumstances, this is sufficient to outweigh the NPPFs requirement for the affordable housing to be provided on site.

- 6.83. In addition to Section 106, the proposed hotel would generate a CIL contribution of £27 per square metre which results in a contribution of approximately £259,067.

7. Conclusion

- 7.1 The application proposals, the result of a rigorous discussion and negotiation with officers, offer a compelling tall building and public realm offer that would bring significant benefit to the city, its residents and visitors. The scale of the tower, in conjunction with its proposed neighbours, would mark the eastern edge of the city core and provide an arrival point into the city from the new high speed train network.
- 7.2 At its heart the scheme offers a new public square with new routes which mark the conclusion of the breaking of the 'concrete collar' of Masshouse. The key sides of the development are served by active retail uses providing activity at all times of the day with a new residential community above. The hotel building will help meet the city's business and tourist offers (particularly in time for the Commonwealth Games) and is architecturally distinct.
- 7.3 A distinct architectural approach that is used for each of the buildings results in a cohesive whole whilst repeating similar themes that work to complement rather than compete with Phase 1.
- 7.4 Whilst a policy compliant S106 offer cannot be secured, the negotiated position ensures that appropriate off site provision can be provided in addition to a significant piece of high quality urban realm for the city. It is therefore recommended that the application is supported subject to the signing of a suitable legal agreement, stopping up of the footpath within the site and safeguarding conditions.

8. Recommendation

- 8.1. That consideration of application 2019/03336/PA be deferred pending the completion of a Section 106 Legal Agreement to secure the following:
- i) An off-site affordable housing contribution of £858,000 (index linked from the date of the decision);
 - ii) Securing the minimum spend on public realm of £3.2m
 - iii) £10,000 for the administration and monitoring of this deed to be paid upon completion of the legal agreement
- 8.2 In the absence of a planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 31st January 2020, planning permission be refused for the following reason:-
- i) In the absence of a legal agreement to secure the provision of affordable housing and public realm the proposal conflicts with Policies 8.50-8.54 of the Birmingham Unitary Development Plan (saved policies) 2005 and policies PG3, GA1.1, GA 1.2, GA 1.3 and TP29 and TP31 of the Birmingham Development Plan 2017
- 8.3 That the City Solicitor be authorised to prepare, complete and seal an appropriate agreement under Section 106 of the Town and Country Planning Act.

- 8.4 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before the 31st January 2020 favourable consideration be given to this application, subject to the conditions listed below.
- 8.5 That no objection be raised to the stopping up of part of the footway that is within the application site boundary connecting Priory Queensway to Dale End and that the Department for Transport (DfT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1	Requires the prior submission of a phasing plan
2	Requires the prior submission of a construction method statement/management plan (phased)
3	Requires the prior submission of a construction employment plan.
4	Requires the prior submission of contamination remediation scheme on a phased basis
5	Requires the submission of a contaminated land verification report
6	Requires the prior submission of a sustainable drainage scheme
7	Requires the prior submission of a drainage scheme (phased)
8	Requires the submission of details of green/brown roofs
9	Requires the prior submission of noise insulation (phased)
10	Requires the prior submission level details on a phased manner
11	Requires submission of a further air quality mitigation strategy
12	Requires the submission of hard and soft landscape details
13	Requires the submission of sample materials in a phased manner
14	Requires the submission of a lighting scheme in a phased manner
15	Requires the submission of details of public art for each phase
16	Requires the submission of a CCTV scheme (phased)
17	Requires the submission of extraction and odour control details in a phased manner
18	Requires the development to be carried out in accordance with the Wind Assessment
19	Secures the proposed ecological/biodiversity/enhancement measures on a phased basis
20	Requires the development to be carried out in accordance with the Noise Assessment

-
- 21 Prevents obstruction, displays and/or signage being fitted to the proposed shop front windows
 - 22 Requires new square and pedestrian route to be available for public use at all times
 - 23 Removes PD rights for telecom equipment
 - 24 Requires the submission of electric vehicle charging point details
 - 25 Limits the noise levels for Plant and Machinery
 - 26 Requires the provision of cycle parking prior to occupation
 - 27 Requires the parking area to be laid out prior to use
 - 28 Requires the development to be carried out in accordance with the amended Energy Statement
 - 29 Requires the scheme to be in accordance with the listed approved plans
 - 30 Requires the scheme to be in accordance with the listed approved plans
 - 31 Implement within 3 years (Full)
-

Case Officer: Nicholas Jackson

Photo(s)



Photograph 1 – Panoramic of the application site with Exchange Phase 1 in the centre from Priory Queensway

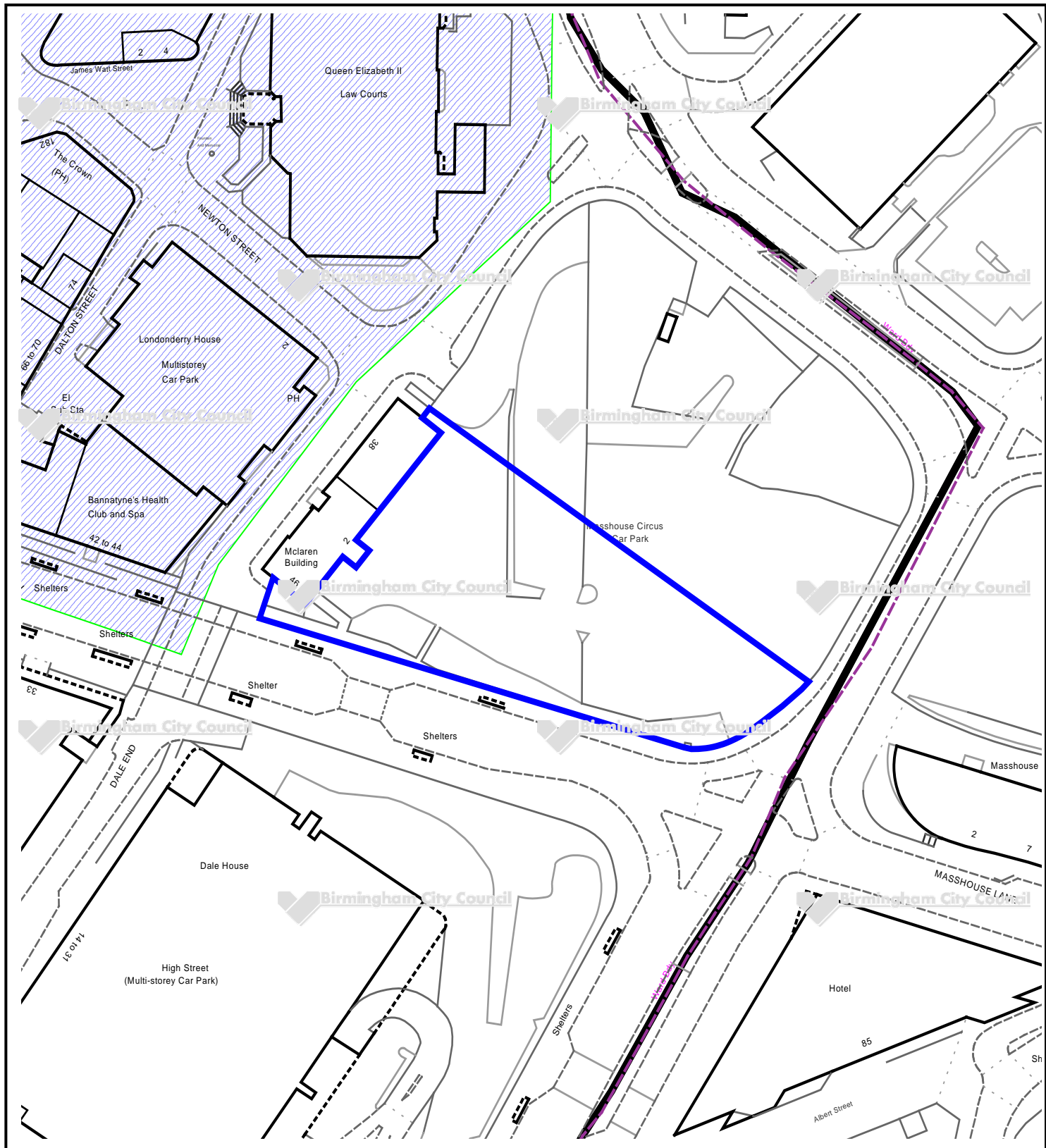


Photograph 2 – Moor Street, application site on the right



Photograph 3 – Application site from Moor Street looking at the McLaren tower

Location Plan



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Committee Date: 19/12/2019 Application Number: 2019/06253/PA
 Accepted: 12/08/2019 Application Type: Full Planning
 Target Date: 17/01/2020
 Ward: Bordesley & Highgate

50A Warwick Street, Digbeth, Birmingham, B12 0NH

Demolition of existing buildings and construction of part 7/part 8 storey building comprising 80 apartments and associated development

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1 The application seeks permission for the clearance of the site and construction of a part 7 part 8 storey building to accommodate a total of 80 apartments, with the following mix of units that would result in 37.5% 1 beds and 62.5% 2 beds:

1 bed 2 person	2 bed 3 person	2 bed 4 person	2 bed 4 person duplex
30	19	17	14
50.12 to 56.02sqm	61.28 to 69.76sqm	69.76 to 70.79sqm	69.92 to 100.31sqm

- 1.2 The building would be positioned at back of pavement with 7 storeys to the front rising to a saw toothed roof. Sited to the rear of the building is a rectangular shaped flat roof eighth storey. The building would be clad in metal with the duplexes at the sixth and seventh storeys defined by metal shingle. The front elevation would accommodate full height windows, some with full height louvres and Juliet balconies at sixth floor. External private amenity space is proposed at ground floor and a roof terrace at seventh floor.
- 1.3 The apartments would have a single point of pedestrian access off Warwick Street leading to a 'T' shaped central core. Vehicular access is also proposed leading to a basement car park that would accommodate eight car parking spaces (10% provision) and 80 cycle spaces (100% provision).

1.4 [Link to Documents](#)

2. Site & Surroundings

- 2.1 The application site is rectangular in shape and measures approximately 1,154sqm. It has a frontage to Warwick Street close to its junction with Clyde Street, west of Digbeth High Street. The site currently accommodates a single storey structure operating as MsL Trade Centre for cars, that is used as a car showroom and garage that is due to vacate by the end of the year.

- 2.2 Considering the wider area this part of Digbeth / Deritend accommodates a range of commercial uses with warehouses and industrial premises alongside entertainment uses and residential apartments. The site has a common boundary to the Sapphire Conference and Banqueting Centre that is capable of holding events serving over 1,000 people.
- 2.3 The site lies outside of and to the west of the boundary of the Digbeth Deritend and Bordesley High Streets Conservation Area.
- 2.4 Planning permission was granted in 2017 for the demolition of the adjacent Kingfield Heath buildings and the construction of 237 residential units in a building ranging from five to eight storeys located immediately to the north. Whilst this permission remains unimplemented it remains extant.
- 2.5 [Location Plan](#)

3. [Planning History](#)

- 3.1. 1990/03286/PA - Change Of Use from Warehouse (Class B8) to Light Industrial B1. Approved 20/11/1990.
- 3.2 1996/00180/PA - Construction of single-storey extension to industrial premises, formation of car parking area and vehicular access. Approved 06/06/1996
- 3.3 2006/06140/PA - Erection of 254 new residential apartments within a 4-5 storey building, with ground floor commercial (A1) & basement car parking. Approved 30/01/2007

Adjacent Site - Sapphire Conference and Banqueting Centre

- 3.4 2012/00208/PA - Application to replace extant planning permission 2008/02038/PA for the erection of 100 new residential apartments within 4/5 storey building with ground floor commercial (A1) and basement car parking. Approved 10/04/2012. (Expired)

Adjacent Site - Kingfield Heath Building, 230 Bradford Street

- 3.5 Demolition of existing Kingfield Heath buildings and erection of 237 residential units varying between 5 and 8 storeys together with 71 car parking spaces and associated works. Approved 18/07/2017 (Extant)

4. [Consultation/PP Responses](#)

- 4.1. BCC Transportation Development – Confirmation of cycle parking provision. Require conditions to ensure the following:
 - a) the new footway crossing to the basement car park is provided, and redundant crossings reinstated, both prior to the development being occupied and with all works carried out to BCC specification at the applicants expense with a suitable highway agreement;
 - b) Cycle parking to be provided prior to the building being occupied; and
 - c) A Construction Management Plan is submitted to and agreed before any works commence.
- 4.2 BCC Employment Access Team - request that a condition requiring an employment construction plan is included as a condition or as part of a S106 Agreement.

- 4.3 BCC Education - The School Organisation Team request a contribution under Section 106 for any potential development that is for at least 20 dwellings and would impact on the provision of places at local schools. The contribution is estimated to total (subject to surplus pupil place analysis): Nursery £4,919.47, Primary £127,334.30, Secondary £91,336.41 Totalling £223,649.91.
- 4.4 BCC Regulatory Services – Original Comments. The noise report submitted in support of this application mentions noise from Snatch Pac and The Sapphire Banqueting Suite but fails to properly assess this. The proposed development will directly overlook the Sapphire Banqueting Suite with a clear view of both the roof and entrance. The noise measurements were taken on the far side of the development site away from the Sapphire with no direct line of sight to the Sapphire Suite. The Assessment needs to be undertaken at a location with clear line of sight to the Banqueting Suite. The report suggests the Sapphire Banqueting Suite may be shutting however this premises continues to have a licence to operate to 02:00 and therefore the impact of this needs to be properly assessed.

Comments following the submission of amended noise report - This part of Warwick Street remains a commercial/industrial area. The amended noise report identified significant adverse impact from the operations of Snatch Pac. The report suggests that Snatch Pac are due to relocate, however whilst the existing site retains its current permission Officers will base any comments on the assumption that a use similar to the current use will continue. Similarly the Sapphire Banqueting Suite site continues to have a licence to operate to 02:00 and again Officers need to base their response on the assumption that the current permitted use will continue. Any noise assessment provided in support of this application needs to consider the impact of these noise sources and provide a scheme to mitigate any adverse impacts determined by the assessment

Final comments - Should permission for this development be granted it is essential that an appropriate scheme of noise mitigation is included in the development and a condition is recommended. The noise report provides options of mitigation rather than a recommended scheme. The elevation to the front façade includes large windows and areas of glass, and therefore the majority of the façade will be glazed. It should be noted that large glazed areas will provide less resistance to the passage of sound than a smaller glazed area in a substantial wall. In this case it will be necessary to demonstrate that the internal levels recommended in the noise assessment can be achieved when the area of façade element to habitable rooms is considered. The assessment of the internal noise levels should be based on calculations using the methods provided in BS8233:2014 and/or BS EN 12354:3 and shall include the acoustic performance and area of the glazing and any filler / structural element. The current noise report makes general recommendations rather than providing a specific scheme that could be provided to a contractor.

As it will be necessary for residents to keep windows closed to enjoy acceptable internal noise levels the application must also consider the possibility of overheating. Recommend the requirement of an overheating assessment based on residents keeping windows closed and on the mitigation determined in the noise assessment.

Additional recommended conditions to require no less than one charging point for electric vehicles, a contamination remediation scheme and verification report.

- 4.6 BCC Leisure Services - No objections to this application. As a development of over 20 dwellings it would, in accordance with the BDP policy, generate an off-site Public

Open Space (POS) contribution. As it is situated within the City Centre it is not classed as family accommodation and would therefore not be liable for a Play area contribution. Based on the figures currently in the application the POS contribution would be calculated as follows: 133 people generated from the development. 133 divided by 1000 x 20,000 (2 hectares per thousand of population) = 1020sqm of POS generated. 1020 x £65 (average cost of laying out POS per sqm) = Total contribution of £66,300. This would be spent on the provision, improvement and/or biodiversity enhancement of public open space, and the maintenance thereof at Highgate Park within the Bordesley and Highgate Ward.

- 4.7 Local Lead Flood Authority - no objection subject to the inclusion of conditions to requires the prior submission of a Sustainable Drainage Scheme and a Sustainable Drainage Operation and Maintenance Plan
- 4.8 Severn Trent Water - no objections to the proposals subject to the inclusion of a condition to require the submission, agreement and implementation of drainage plans for the disposal of foul and surface water flows.
- 4.9 Police – Make the following recommendations:
 - the work regarding the dwellings be undertaken to the standards laid out in the Secured by Design 'Homes 2019' guide;
 - have no adverse comments to make in relation to the parking;
 - ask for clarification as to the management plan behind the process of refuse collection;
 - no indication as to staff presence on site. There appears to be no reception desk or staff rooms. This will leave the site more vulnerable to offenders tailgating into the building and will not provide a first response facility to any incident that occurs or requires support to the residents;
 - internal access control should be installed throughout all parts of the building. recommend that there is a condition to secure CCTV cameras to cover the site including the cycle storage area, all communal areas (lobbies, amenity space) any doors to vital plant rooms, the post room / facility, external views of all doors / gates into the building / site, all lifts, all lift lobbies / stairwell lobbies and an internal image showing anyone entering through the entrance / door;
 - seek clarification as to the postal delivery / receiving plan;
 - the access gate to the car park to be no lower than 2.1m in height, of a robust design, with a suitable locking / operating mechanism and be automated;
 - the pedestrian access to the parking areas is also controlled by a gate. This is supported;
 - note that there will be an amenity space on the ground floor. It is not clear as to what this will entail.
- 4.10 Fire Service - Access routes should have a minimum widths and minimum height clearance to meet guidance. Blocks of flats not fitted with fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling, measured on a route suitable for laying hose. The direct distance is reduced to two thirds to allow for internal layout. If this cannot be met a fire main should be provided (ADB Vol 2, 16.3; BS 9991:2015 50.1.2). It is anticipated that a riser will be required for this building to enable access to within 45m of all points of the dwellings and because it has a floor above 18m from ground level. Where fire mains are provided in the building there should be access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on the face of the building and each inlet should be clearly visible from the appliance Buildings with a floor higher than 18m above fire and rescue service access level, or

with a basement more than 10m below fire and rescue service access level, should be provided with fire-fighting shaft(s) containing fire-fighting lifts and fire mains. A sufficient guidance and a number of fire-fighting shaft should be provided to meet the maximum hose distance and at least two fire-fighting shafts should be provided in buildings with a storey of 900m sq. or more in area. Water supplies for firefighting should be in accordance with guidance. The approval of Building Control will be required to Part B of the Building Regulations 2010

- 4.11 Natural England - No comments to make on this application.
- 4.12 Local action groups, National Grid, the MP, local councillor, Western Power and Birmingham Public Health have been consulted but no replies received.
- 4.13 A site and press notice has been posted and neighbours notified. One response has been received raising the following concerns. Living on Warwick Street, there is a great deal of noise from the businesses along the street, particularly Snatch Pac. I have read the noise assessment and do not believe it has accurately measured the levels of noise created by the premises. Recommend triple glazing for all apartments. Also the Sapphire Banqueting suite regularly lets of fireworks after midnight.

5. Policy Context

- 5.1 Birmingham Development Plan (BDP) 2017, Birmingham Unitary Development Plan 2005 (Saved Policies) Car Parking Guidelines SPD (2012), Lighting Places SPD (2008), Public Open Space in New Residential Development SPD (2007), Access for People with Disabilities Supplementary Planning Guidance (SPG) (2006), Archaeology Strategy (2004), Affordable Housing SPG (2001), Places for Living SPG (2001), Places for All SPG (2001), Big City Plan Masterplan (2011) and the revised National Planning Policy Framework.

6. Planning Considerations

Principle of Residential Development

- 6.1 The application site lies within the City Centre Growth Area and the Southern Gateway wider area of change as identified in Policies GA1.1 and GA1.3 of the BDP. The former supports residential development where it provides well-designed high quality living environments. The latter advises that this area will be the focus for the expansion of the City Centre southwards, where residential uses are supported as part of the future mix to stimulate the regeneration of the wider area. Such regeneration via the promotion of housing can be seen as a result of planning permission for major development consents at Connaught Square, the S&K buildings, the former Westminster Works and Lunar Rise. Furthermore there has been consent, although now expired, for residential development on this site together with adjoining sites. It is therefore considered that whilst it could be argued that there would be a loss of employment land protected by Policy TP20 this is outweighed by more up to date current development plan policy that supports the principle of a residential use on this site.

Proposed Design and Layout

- 6.2 The site context has been an important consideration in the massing and design of the current scheme. Acknowledging the adjoining site to the west where a part 5 part 7 storey development has an extant permission the current proposals seek approval

of the block providing 8 storeys at its highest point. This is considered to be appropriate taking the surrounding levels that rise in an easterly direction into account. Notably the massing of development gradually rises from Alcester Street to the west starting at 7.5 storeys, 5 storeys, 7, storeys to 5 storeys immediately adjacent to the application site. Officers have been keen to ensure that the roof top eighth storey would not be overly prominent and are satisfied that the proposed scheme would enhance the street scene and wider townscape.

- 6.3 In addition the proposed block would face the junction of Warwick Street and Clyde Street providing a bold terminal view when turning off from the High Street, again this characteristic is supported.
- 6.4 Next the applicants have chosen a bold design in terms of roofscape and materials. The proposed block would have a saw tooth roof adding character and interest to the frontage, giving it an industrial feel, with the sixth and seventh floors clad in metal shingle, presenting a contemporary approach. The main part to the frontage would be well articulated again providing relief and interest to the main façade.
- 6.5 Officers have worked with the applicants to ensure that the proposed layout would neither detract from the approved redevelopment of the Kingfield Heath buildings to the west nor the potential redevelopment of the Sapphire Conference and Banqueting Centre to the east. Furthermore all apartments meet national space standards.
- 6.6 Conditions are proposed to control materials and boundary treatment in order to secure a quality development and, subject to these conditions, it is considered that the proposed design would be appropriate for its context and is welcomed for its individual approach.

Noise and Disturbance

- 6.7 It is clear from the comments received that Regulatory Services have raised concern at the levels of noise and disturbance from firstly the existing industrial premises known as Snatch Pac, a packaging supplies business, and secondly the now closed Sapphire Conference and Banqueting Centre that has a entrance and car park adjacent to the application site. Following the submission of an amended noise assessment officers are satisfied that the potential adverse effects could be mitigated via glazing and insulation offered by the external envelope of the building, and a condition is attached to this affect. It should be acknowledged that future residents may need to keep their windows closed to reduce disturbance to an agreeable level, however this would be at the discretion of each occupier and this situation replicates existing consents within the area. A condition is also attached to prevent overheating by requiring details of mechanical ventilation.
- 6.8 With respect to the Sapphire Conference and Banqueting Centre the applicants have advised that the owners would be agreeable to be a signatory to a Section 106 that would require that there be no events held in the future following the first occupation of the application site. Such a solution would remove this potential source of late night noise and a resolution is recommended.

Highways

- 6.9 In accordance with Policy TP27 of the BDP the site is well connected to public transport and close to the City Centre, thus removing dependency on cars. The submitted Transport Statement demonstrates that the site benefits from excellent

public transport links; bus routes identified along Bradford Street and High Street and pedestrian routes offer quick access into the City Centre with approximately a 10 minute walk. Therefore the provision of eight car parking spaces to serve 80 apartments is considered to be acceptable at this location. BCC Transportation development have raised no objections.

Ecology

- 6.10 A Preliminary Ecological Appraisal (PEA) which included a preliminary bat roost assessment (PRA) has been submitted. The investigations concluded that the potential of the existing building to support roosting bats is negligible whilst the site is unlikely to be important for foraging or commuting bats as there is limited vegetation on site. Ecological officers advise that whilst no further surveys or bat boxes are required, there is the opportunity to include nest boxes for swifts and housemartins together with a biodiverse roof. Therefore the requirement to provide an ecological enhancement plan to cover these points is attached as a condition.

Impact upon Heritage Assets

- 6.11 The site lies to the west of the boundary of the Digbeth Deritend and Bordesley High Streets Conservation Area however by virtue of the proposed scale of the development there is a level of inter-visibility between the site and the Conservation Area, and therefore the impact of the development upon its setting should be considered. The southern side of Digbeth High Street largely comprises a mix of poor quality 20th century, low rise, commercial and leisure developments, cleared sites and car parking. As such Conservation Officers consider that it contributes nothing positive to the character and setting of the Conservation Area. The application site has been much altered over the years following the clearance of housing and it now sits within an area of fragmented and poor quality townscape. There is support for the redevelopment of the southern side of the High Street in order to 'enhance' the setting of the Conservation Area and enclose the street. Whilst there would be some inter-visibility between the site and the Conservation Area, this needs to be considered sensibly taking account of the other large scale developments that have been approved in close proximity, that would reduce the impact of this development once implemented. Taking this approach it is considered that there would be no harm to the setting of the Conservation Area and Conservation Officers support the scheme.
- 6.12 The site is also within the Digbeth/Deritend medieval and post-medieval settlement which is an archaeologically sensitive site. The submitted desk-based assessment has shown that the site was undeveloped until the early 19th century and has been redeveloped several times since then. Officers are content as it seems unlikely that significant archaeological remains would have been present on the site and if they were ever present they are unlikely to have survived the episodes of re-development through the 20th century. No further work is recommended.

Drainage

- 6.13 A drainage assessment has been submitted stating that the use of Sustainable urban Drainage (SuDS) has been considered and could be incorporated within the design via the use of attenuation tanks and tanked porous paving. The Local Lead Flood Authority and Severn Trent Water are satisfied subject to conditions.

Other

- 6.14 The applicants have confirmed that the proposed development would be served by CCTV and would comply with the relevant documents referenced by the Fire Service. A condition is attached to require the submission of a construction employment plan.

Planning Obligations

- 6.15 A development of the size proposed is above the Policy threshold for contributions towards on site provision of public open space and affordable housing. The current application is not policy compliant in respect of these matters and as such is accompanied by a Viability Assessment. This has been independently assessed it has been concluded that the viability of the scheme could support the provision of 10 affordable units (or 8%); 5 x 1 bed and 5 x 2 beds on site as low cost home ownership at 25% discount on market value.
- 6.16 There has also been the request for contributions by Education and Leisure Services towards schools and public open space. However on the basis that there is a dominance of 2 bed apartments rather than family housing the preference is to provide affordable housing on site.

7. Conclusion

- 7.1 It is considered that the proposals support the efficient use of previously developed land in accordance with the NPPF, acknowledging that Strategic Policy PG1 refers to a target of 51,100 additional homes within Birmingham over the plan period. In this case, whilst there is a loss of employment land, more weight is given to the provision of apartments on a site that has a highly sustainable location with access to a range of services and facilities, together with public transport options in close proximity.
- 7.2 The proposed design is bold and would uplift the appearance of the street whilst with restrictive conditions and S106 agreement would provide sufficient amenity to occupiers.

8. Recommendation

- 8.1 That consideration of the application 2019/06253/PA be deferred pending the completion of a Section 106 Agreement to secure the following:
- a) The provision of 10 affordable units, (5 x 1 bed and 5 x 2 beds) on site as low cost home ownership at 25% discount on market value.
 - b) That the Sapphire Conference and Banqueting Centre hold no events following the first occupation of the development; and
 - c) payment of a monitoring and administration fee associated with the legal agreement, subject to a maximum of £10,000.
- 8.2 That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 17th January 2020, favourable consideration be given to this application, subject to the conditions listed below
- 8.3 That the City Solicitor be authorised to prepare, seal and complete the planning obligation.

8.4 That, in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 17th January 2020, planning permission be refused for the followings reasons:

- a) In the absence of any suitable legal agreement to secure the provision of on site affordable housing the proposal conflicts with Policies TP31 and TP20 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.
- b) In the absence of any suitable legal agreement to ensure that the Sapphire Conference and Banqueting Centre hold no events following first occupation of the development there would be an adverse effect on noise and disturbance contrary to Policy PG3 of the Birmingham Development Plan, the Affordable Housing SPG and the NPPF.

1	Implement within 3 years (Full)
2	Requires the scheme to be in accordance with the listed approved plans
3	Details of Materials
4	Details of Boundary Treatment
5	Implementation of Cycle Parking Prior to Occupation
6	Parking Spaces to be Laid out Prior to Occupation
7	Provision of S278 Agreement
8	Construction Management Plan
9	Details of Noise Mitigation via Glazing and Building Envelope
10	Overheating Assessment and Details of Mitigation
11	Scheme of Remediation
12	Details of Remediation Verification
13	Provision of Vehicle Charging Point Prior to Occupation
14	Submission of Biodiversity / Ecological Enhancement Plan
15	Construction Employment Plan
16	Submission of Drainage Plan for Foul and Surface Water
17	Drainage Maintenance & Operation Plan
18	Details of Site Levels rrelative to Adjacetn Sites to be Submitted

Case Officer: Julia Summerfield

Photo(s)

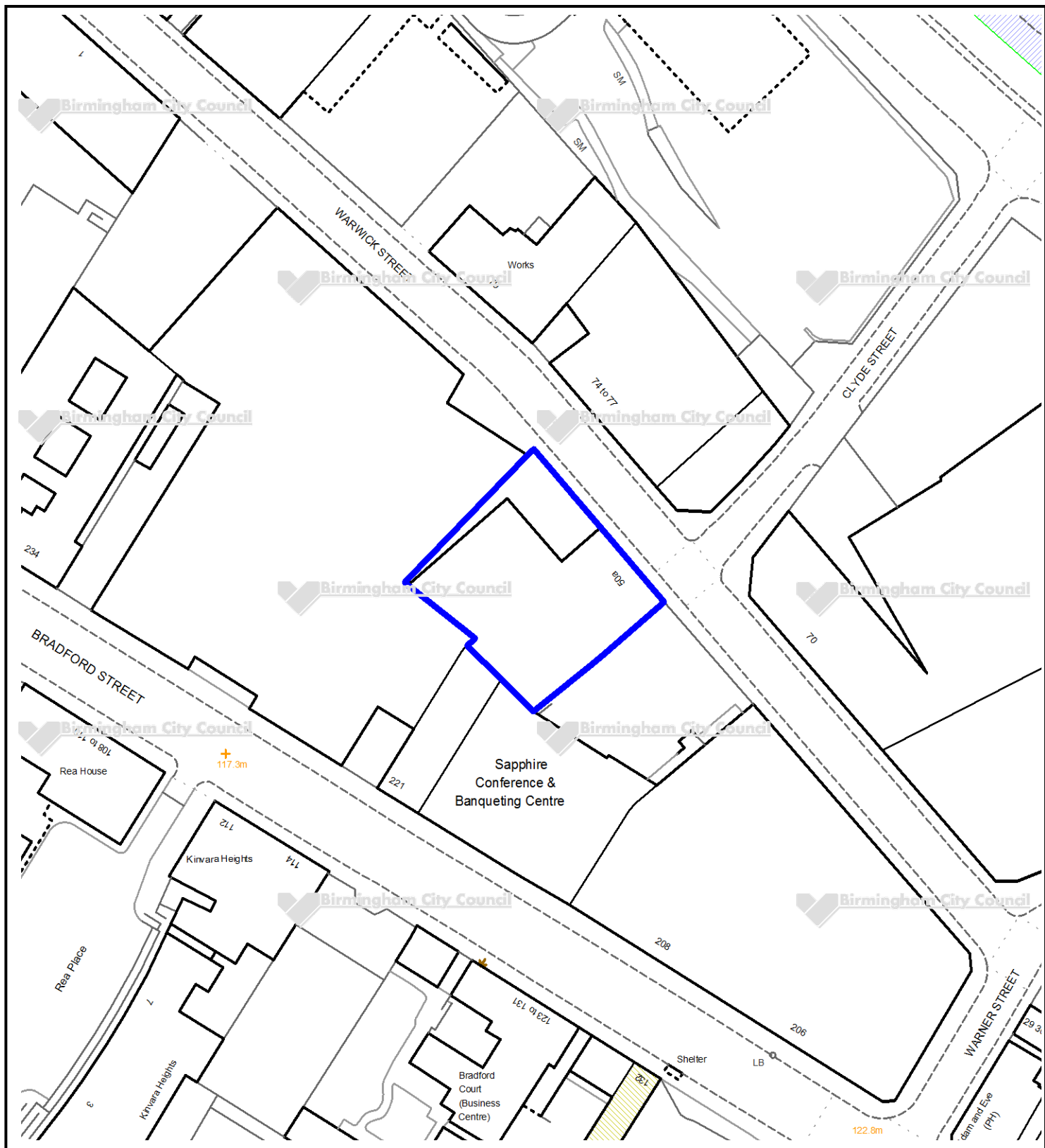


The site from Warwick Street



The site looking from the junction of Clyde Street and Warwick Street

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/07979/PA
Accepted:	26/09/2019	Application Type:	Full Planning
Target Date:	26/12/2019		
Ward:	Ladywood		

135A New Street, City Centre, Birmingham, B2 4NS

Change of use from offices (Use Class B1), training centre (Use Class D1) and retail (Use Class A1) to 259 bed hotel (Use Class C1) with associated external works and alterations to ground floor shop frontages

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the change of use of the existing office floor space (Use Class B1a) at upper floors, training centre (Use Class D1) at part sixth floor (Use Class D1) and retail (Use Class A1) at part ground floor to a hotel (Use Class C1) at 135A New Street (also known as King Edward House) with retail retained at street level.
- 1.2. 259 hotel bedrooms are proposed within the first – seventh floors of the building with the lower levels used for access, refuse and other ancillary functions. At lower ground floor level the proposal would include the provision of a small service area to be accessed from the rear of the building. The existing basement space would be re-planned to accommodate both the back of house facilities for the hotel within a central core, as well as maintaining the retained retail units. Those lower ground retail units which are currently accessed via stair off New Street would continue to operate as per the existing arrangement.
- 1.3. At ground floor level a modest reception and lobby area would be formed and include passenger lifts which would provide access to the upper floors. Two additional lifts are proposed to be installed within the structure to supplement the two existing lifts that already serve the building. Of these, one lift would be designated for back of house functions with the other three serving hotel guests. The creation of the hotel reception and lobby area would result in the loss of one existing retail unit at 136 New Street, which is currently occupied by Phone Village.
- 1.4. The existing stepped access into the lower ground floor unit located at 134B New Street (currently occupied by Buffet Hut) would be reconfigured to form a DDA compliant access into the hotel. The floorspace associated with this unit would remain in Class A1 retail use and be amalgamated with the existing unit at 135 New Street to form a single premise across ground and lower ground floor levels. The newly configured unit would be accessed via a single entrance off New Street
- 1.5. At first floor level there would be provision for 21 bedrooms, linen room, store room and staff changing rooms. The first floor accommodation located above ground floor units at 134 New Street would be retained for purposes ancillary to the continued

retail operations. Levels two to five would accommodate 45 bedrooms whilst there would be provision for 43 bedrooms at level six. Each floor would include a dedicated linen room. A proposed extension at seventh floor level would facilitate the creation of an enclosed lounge bar area with adjoining external terrace located on the eastern extent of the building. This would result in a total net increase of approximately 248 sq. m (GIA) at this level. At the seventh floor there would be provision for an additional 15 bedrooms to be created within the existing footprint of the building. In order to provide every bedroom with a window and natural daylight the existing light wells would be partially infilled. New fire escape staircases are proposed to replace the existing staircases at the rear of the building.

- 1.6. At roof level existing plant would be replaced and rationalised as much as possible (some of this serves the existing ground floor retail tenants) with new plant provided. The plant equipment would be screened by a louvered screen and would not be visible at ground floor level.
- 1.7. The external shopfronts to retained retail units would be enhanced. A uniform band of stonework is proposed between the ground and first floor floors with all signage being installed below this band in order to introduce uniformity.
- 1.8. No on-site car parking is proposed in this sustainable city centre site, however, it is proposed to provide eight secure and covered cycle stands able to accommodate 16 bicycles within an area located to the south-west of King Edward House which would be accessed off the shared service alleyway.
- 1.9. The hotel would employ 30 full time staff members and 25 external contractors.
- 1.10. The application has been submitted with the following supporting documents:
 - Design and Access Statement
 - Planning Statement
 - Heritage Statement
 - Noise Assessment
 - Transport Statement and Framework Travel Plan
 - Ventilation Statement
- 1.11. [Link to Documents](#)
2. Site & Surroundings
 - 2.1. Built in 1936-1937, King Edward House is masonry and stone clad - frame building (steel frame with a beam block floor built up) built over eight storeys plus basement fronting onto New Street, a pedestrianised part of Birmingham City Centre that runs to the north of the Birmingham New Street Station. Adjacent to the site and to the rear is an Odeon cinema with the surrounding area predominantly made up of retail, financial and professional uses and restaurants.
 - 2.2. The site measures 0.21 hectares in area and principally comprises of an entrance lobby at ground floor level with Class B1(a) office accommodation arranged on six floors above. Part of the sixth floor was formerly occupied as a Training Centre within Class D1. The majority of the floorspace at the upper levels is vacant. The ground floor of the building has been sub-divided to create 8 no. commercial units which are currently occupied within Class A1-A3 uses. The building sits on a sloping site falling towards the adjacent Odeon cinema building and service yard, with a

compact side access slip road serving the rear of King Edward House for both deliveries and means of escape.

- 2.3. The boundary of the Colmore Row and Environs Conservation Area is immediately to the north of the application site along New Street. The grade II listed Rotunda is located to the east of the site and the grade B locally listed Britannia Hotel (Nos 21-25 New Street) is located directly opposite. King Edward House is not statutorily or locally listed.

2.4. [Site Location](#)

3. [Planning History](#)

- 3.1. 22/7/2010 – 2010/03061/PA - Change of use from offices (B1a) to training centre (D1). Approved subject to conditions.

- 3.2. Various advertisement consent applications for ground floor units.

4. [Consultation/PP Responses](#)

- 4.1. BCC Regulatory Services – No objections in principle however there are concerns regarding the proposed roof terrace and recommend that a condition prohibiting the use of noise amplification equipment is attached. Conditions should be attached to control noise from plant and the design of the proposed extract system.
- 4.2. BCC Transportation Development – No objections. The site will be serviced by its existing access off New Street and these movements are not likely to change significantly from the existing office use.
- 4.3. Employment Access Team – If employment conditions are to be agreed, it is recommended that a condition requiring the prior submission of a construction employment plan.
- 4.4. Severn Trent Water – No objections subject to drainage plans for the disposal of foul and surface water flows.
- 4.5. West Midlands Fire Service – Access routes should have a minimum width of 3.7m between kerbs, turning facilities should be provided in any dead-end access route that is more than 20m long. Access to the riser inlet for a pumping appliance to within 18 metres of each fire main inlet connection point, each inlet should be clearly visible from the appliance. Building should be provided with fire-fighting shaft(s) containing fire-fighting lifts and fire. Sufficient number of fire-fighting shafts should be provided to meet the maximum hose distance s, and at least two fire-fighting shafts should be provided in buildings with a storey of 900m sq. or more in area. Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and “National Guidance Document on the Provision for Fire Fighting”.
- 4.6. West Midlands Police – Recommend that the development be built to the standards in the Secure by Design ‘Commercial 2015’. Recommend that access control be installed on all the lifts to deter unwanted and unauthorised people and allow entry for guests onto the floor they are residing on. A further access control measure (i.e. door) between the reception area and the passenger lifts and stairwell is also recommended. Suitable CCTV system should be installed and a lighting scheme to be produced. Recommend suitable boundary treatment for the proposed terrace and green roof, any furniture that is installed on the roof is suitably located so it cannot

be used as a climbing aid to scale the boundary and be secured so cannot be moved. Suitable signage should be installed on the roof offering advice, support and signposting anyone considering self-harm.

- 4.7. Birmingham City Centre Management, , Birmingham Retail Business Improvement District, Transport for West Midlands, Birmingham Civic Society, Local Action Groups, MP, Local Councillors, residents association, nearby occupiers notified. Press and site notices displayed. No comments received.

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); Car Parking Guidelines SPD 2012; Places For All SPG 2001; Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies; Access for People With Disabilities SPD; Shopfront Design Guide SPG 1995; and the revised National Planning Policy Framework.

- 5.2. Site is located adjacent to the Colmore Row and Environs Conservation Area.

6. Planning Considerations

Land Use Policy

- 6.1. Saved policy 8.19 of the Birmingham Unitary Development encourages the provision of new major hotels subject to local planning, amenity and highway considerations. Moreover, use of the building as a hotel would be consistent with Policy GA1.1 which advises that within the City Centre new development should make a positive contribution to improving the vitality of the City Centre and should aim to improve the overall mix of uses. It would also be consistent with Policy GA1.3, which advises that the City Centre core should provide an exceptional visitor and retail experience with a diverse range of uses set within a high quality environment. Policy TP24 also encourages a diverse range of uses within centres, including new hotels, whilst TP25 specifically promotes proposals that reinforce and promote Birmingham's role as a centre for tourism. It adds that hotels will be important and proposals for well-designed and accessible accommodation will be supported. Policy TP12 states that great weight will be given to the conservation of the City's heritage and that proposals for new development will be determined in accordance with national policy. It requires that applications for development affecting the significance of a designated or non-designated heritage asset provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its significance and setting.
- 6.2. In principle, the proposed hotel use is welcomed. Such a use would be consistent with the revised National Planning Policy Framework, which encourages sustainable development. In particular, Section 6 states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth. The conversion of a vacant and inefficient office building to provide a new hotel, in a city centre location, is therefore consistent with this aim and would also support the tourist function of the city.
- 6.3. The proposed improvements to the ground floor shop frontages are also welcomed. This part of New Street has lost most its historic shopfront arrangement and a series of unsympathetic metal shopfronts with poor quality signage has been installed. This

significantly detracts from the appearance of the building and appearance of the street scene. This current application would allow for these long standing concerns to be addressed and improved.

- 6.4. The creation of the hotel reception and lobby area will result in the loss of one existing retail unit at 136 New Street which is currently occupied by Phone Village. However, this is considered acceptable in the context of ensuring a largely vacant prominent building is brought back into use.
- 6.5. A challenge with the property is the current tenancy arrangements, with the ground floor being currently occupied by long-lease tenants. A phasing plan has therefore been submitted to ensure that all works associated with delivering the change of use can commence without delays.

Impact on Heritage Assets

- 6.6. Paragraph 192 encourages local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 197 notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and significance of the heritage asset.
- 6.7. The applicant's heritage statement concludes that the proposal responds positively to the buildings original design with minimal interventions. Following an assessment of the significance of the surrounding heritage assets in accordance with the NPPF and Historic England's GPA 2 and GPA 3; the proposed redevelopment will cause no harm to the designated assets near the redevelopment site, including the Colmore Row and Environs Conservation Area.
- 6.8. The Council's Conservation Officer has raised no objection and notes that it is pleasing that the scheme results in relatively few external alterations to the principle façade on New Street, whilst also addressing a few negative aspects on the building's appearance. Currently, the two major negative aspects of the building are the poor condition of the shopfronts and signage on the ground floor and the condition of the limestone on the upper floors which is in need of cleaning. The proposed alterations to the ground floor retail units are welcomed and would make a positive contribution to the visual amenity of the surrounding area. The applicant is also proposing to clean the front and side elevation using the Doff system which is acceptable and welcomed.
- 6.9. The external fire escape to the rear of the building would be covered with aluminium panels. As this is positioned at the rear of the host building, it would not be visible from the street scene and therefore would have no impact on the setting of the Colmore Row and Environs Conservation Area or the locally listed Britannia Hotel.
- 6.10. Proposed alterations to the ground floor retail units are considered to have a positive impact on the visual amenity of the host building and setting of the Colmore Row and Environs Conservation Area. The conversion of the retail unit to hotel lobby will not detract from the appreciation of the streetscape and is considered to be an

improvement due to the removal of the existing modern, unsympathetically designed shopfront.

- 6.11. There is a proposed change to the seventh floor level and additional plant at eighth-floor level (roof) which will be covered with screening on both sides. The roof area at seventh-floor level will change from accessible roof to communal space to accommodate the roof terrace. This will introduce a new element of perimeter glass barrier to the building. The proposed facade at eighth floor would introduce aluminium panel, plant screen, and curtain wall glazing along with glass balustrade making it more accessible than the existing building. This would be inserted for the common/ public lounge on the east elevation. The proposed design also includes a green roof and terrace with landscape features. Although the proposed roof top plant additions are not ideal, they are set back from the New Street frontage and must be considered on balance with the improvements to the shop frontages at street level and the proposed viable use of the site. These positives more than outweigh the harm to neighbouring heritage assets.

Highway Issues

- 6.12. The application has been supported by a Transport Statement which assesses the suitability of the site in terms of its accessibility and the traffic movements that might be generated by the proposed use.
- 6.13. BCC Transportation Development have raised no objections and note that the site is in the City centre and accessible by all modes. The building will be serviced by its existing access off New Street and these movements aren't likely to change significantly from the existing office use. It is proposed to provide secure, covered cycle parking for 16 no. bicycles immediately to the south-west of the site.

Disabled Access

- 6.14. An accessible DDA platform lift is to be introduced at the entrance to bring wheelchair guests up to the reception level. The doors into this lift would comprise of a pair of large electrical bi-folding glazed doors enabling those in wheelchairs, or with other disabilities to easily enter the platform lift and up to the reception level. There would be level access to three passenger lifts which serve all floors. Of the 259 no. guestrooms, 11 no. would be fully accessible, constructed with fully accessible toilets. The guestroom corridors are a minimum of 1.4m allowing easy access for all guests.

Other Matters

- 6.15. BCC Regulatory Services have raised no objection in principle, however, have raised concerns regarding the potential impact of noise from the proposed roof terrace on the residents of the Rotunda. As a result a safeguarding condition ensuring that no sound production, reproduction or amplification equipment shall be installed is recommended. Furthermore, the extract system discharges at roof level so should not be an issue, however, a condition has been attached to control noise from plant and the design of the extract system.
- 6.16. West Midlands Police have raised comments regarding security issues and lighting. Comments have been forwarded onto the applicant and safeguarding conditions requiring a lighting strategy and CCTV scheme have been attached. Comments raised by the West Midlands Fire Service have also been noted and forwarded onto the applicant accordingly.

- 6.17. Severn Trent Water have raised no objection and recommend that a condition requiring the prior submission of drainage plans be attached.
- 6.18. Comments from the Council's Employment Access Team have been noted and as there are limited works involved in the implementation of the scheme the requirement for the prior submission of a Construction Employment Plan has not been attached.
- 6.19. The development is liable for Community Infrastructure Levy.

7. Conclusion

- 7.1. Overall, the scheme complies with local and national planning policies and would make a positive contribution to the vitality and viability of the city centre. It is considered that the proposed works have been sympathetically designed to complement the historic interest of the host building and the setting of the Colmore Row and Environs Conservation Area. Moreover, the public benefits of the proposals, including securing its optimum viable use, offset the less than substantial harm resulting from roof top plant additions.

8. Recommendation

- 8.1. Approve subject to the following conditions:-

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- | | |
|----|--|
| 1 | Requires the submission of sample materials in a phased manner |
| 2 | Requires the submission of extraction and odour control details |
| 3 | Limits the noise levels for Plant and Machinery |
| 4 | Requires the submission of drainage plans |
| 5 | Requires the submission of a CCTV scheme |
| 6 | Requires the window not to be obscured. |
| 7 | Details of alterations for phase 1 |
| 8 | Details of alterations for phase 2 |
| 9 | Requires the submission of a lighting scheme |
| 10 | Completion of phase 1 prior to occupation |
| 11 | Requires the scheme to be in accordance with the listed approved plans |
| 12 | Implement within 3 years (Full) |
-

Case Officer: Miriam Alvi

Photo(s)



Fig 1: Existing New Street Entrance



Fig 2: North Western Corner

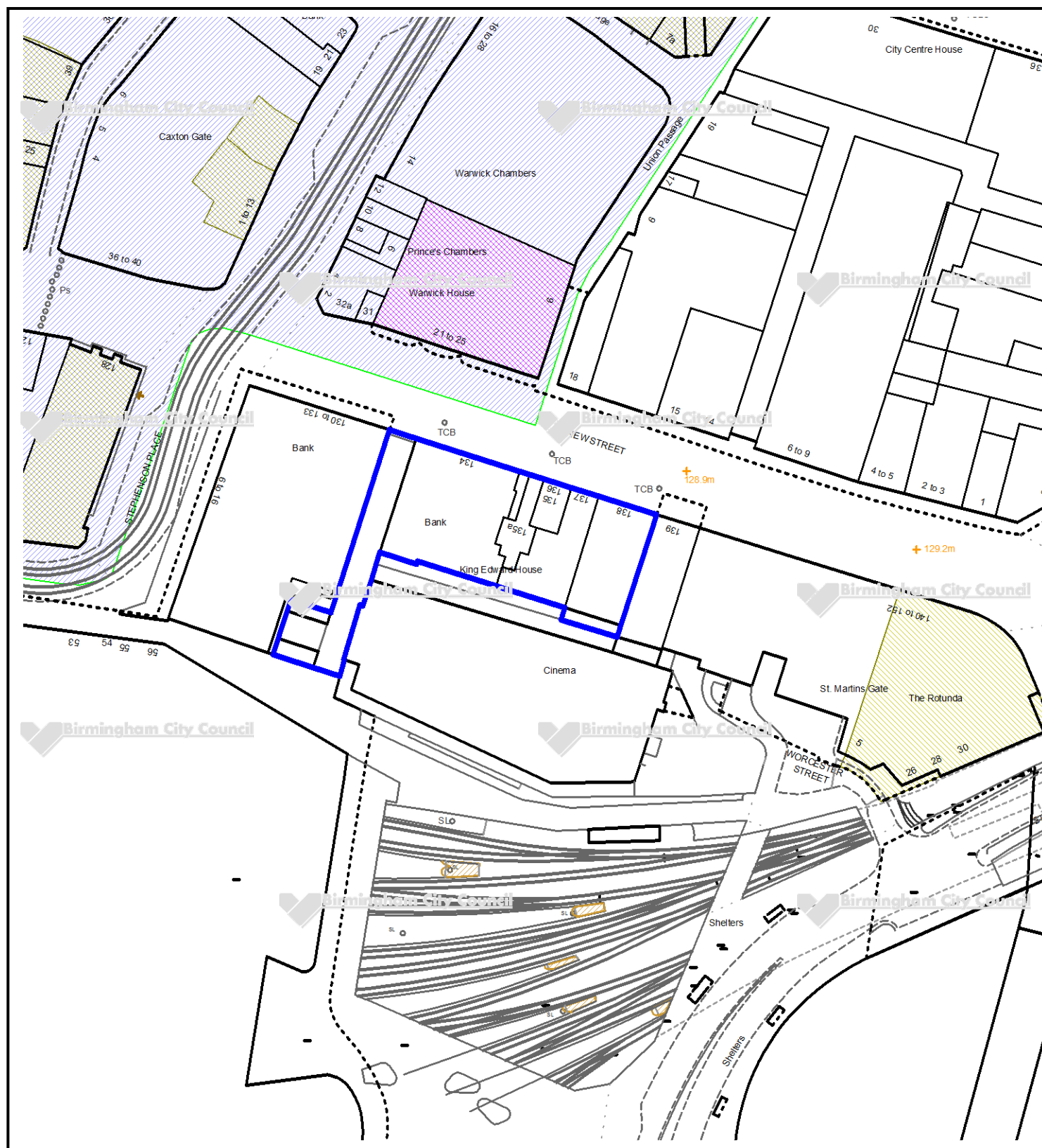


Fig 3: East of Existing Entrance



Fig 4: North East Façade with balconies

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/05185/PA
Accepted:	20/06/2019	Application Type:	Full Planning
Target Date:	12/09/2019		
Ward:	Ladywood		

Birmingham Repertory Theatre, 6 Centenary Square, Broad Street, Birmingham, B1 2EP

Provision of new main entrance, new steps, ramps, two free-standing LED advertising structures and external balcony at first floor level and associated landscaping and change of use of part of first floor level to restaurant.

Recommendation
Determine

Report Back

1. Members will recall that this application was first presented to Planning Committee on 26 September. The application was deferred, with Members minded to approve.
2. Officers consider that the recommendation to refuse in accordance with the original report dated 26 September remains appropriate, with a minor amendment to refusal number 2 omitting reference to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as reported. The application is therefore recommended for refusal on the following grounds:-
 - The proposed development by virtue of its design and scale would not preserve the setting of the Grade I listed Hall of Memory and the Grade II listed Baskerville House and 301 Broad Street. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
 - The proposed development by virtue of its design would cause unjustified harm to the character and appearance of this non-designated heritage asset. The scheme therefore fails to accord with paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
 - The proposed gateway structures, balcony and raised platform would be harmful to the character and appearance of the building and Centenary Square by virtue of their scale, materials and design. As such it would be contrary to policy PG3 of the Birmingham Development Plan and revised National Planning Policy Framework.
3. Notwithstanding this, if Members remain minded to approve the application then the following conditions are suggested:-
 - i) Requires detailed bay studies

Detailed bay studies of access out onto the balconies, new entrances to the raised platform, and any external structural connections to the existing facade (at a scale of 1:20 or 1:50) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

ii) Requires detailed cross-sections

Detailed cross-sections of the balconies including soffits and the junction between the gateway structures and the ground (at a scale of 1:20 or 1:50) shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

iii) Requires the prior submission of a construction method statement/management plan

No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The method statement shall provide for details of the following:

- How pedestrian routes will be maintained during construction works;
- The parking of vehicles of site operatives and visitors;
- Location of loading and unloading of plant and materials; and
- Hours of demolition/construction/ delivery

The development shall be implemented in accordance with the approved details.

Reason: This is required as a pre-commencement condition in accordance with the SI 2018 566 The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 as the information is required prior to development commencing in order to safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the National Planning Policy Framework.

iv) Requires the submission of lighting details

Details of the new up/down lighters including fixings shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

v) Requires the submission of rainwater goods

Details of rainwater goods shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.

Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

- vi) Requires the submission of external doors
Details of all new external doors including cross-sections to show materials, paint finish, panels, cills, decorative detail, reveal and door furniture shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: To safeguard the character of the building in accordance with Policies PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.
- vii) Requires the submission of sample materials
Samples of all external surface materials showing the proposed finish and colour shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to ensure that the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings in accordance with Policies PG3 of the Birmingham Development Plan 2017, the revised National Planning Policy Framework.
- viii) Requires the submission of access ramp details
Details of the proposed external access ramp, platforms and handrails, including details of gradients, measurements, design and external finish shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The scheme shall be implemented in accordance with the approved details and thereafter maintained.
Reason: In order to secure the satisfactory development of the application site in accordance with Policy PG3 of the Birmingham Development Plan 2017, Places for All SPD, Access for People with Disabilities SPD and the National Planning Policy Framework.
- ix) Requires the submission of hard and soft landscape details
Details of hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to occupation and these works shall be carried out as approved. These details shall include proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures, proposed and existing functional services above and below ground, fully annotated planting plans to a scale of 1:100 and details of the proposed planting implementation programme. All hard and soft landscape works shall be implemented in accordance with the approved details. The works shall be implemented prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority and thereafter maintained. Any trees or shrubs which, within a period of two years from the completion of the development, die, are removed or become seriously diseased or damaged, shall be replaced in the next planting season with others of similar size and species.
Reason: In order to secure the satisfactory development of the application site, ensure a high quality of external environment and reinforce local landscape character in accordance with Policies PG3, TP3 and TP7 of the Birmingham Development Plan 2017 and revised National Planning Policy Framework.
- x) Requires the scheme to be in accordance with the listed approved plans
The development hereby approved shall be implemented in accordance with the

details submitted with the application and shown on the following drawing numbers ('the approved plans'):

- 65601 DD 3.100 Site Plan
- 65601 DD 3.101 A Proposed Ground Floor Plan
- 65601 DD 3.102 A Proposed First Floor Plan
- 65601 DD 3.110 A Proposed Landscaping Plan
- 65601 DD 3.200 A Proposed Section
- 65601 DD 3.300 A Proposed South Elevation
- 65601 DD 3.301 B Proposed West and East Elevation
- 65601 DD 3.303 Proposed South Elevation Without Annotations
- 65601 SV 3.100 Location Plan
- 65601 SV 3.101 B Existing Ground Floor Plan
- 65601 SV 3.102 A Existing First Floor Plan
- 65601 SV 3.200 A Existing Section
- 65601 SV 3.300 B Existing South Elevation
- 65601 SV 3.301 B Existing West and East Elevation

Reason: In order to define the permission in accordance with Policy PG3 of the Birmingham Development Plan 2017 and the revised National Planning Policy Framework.

xi) Implement within 3 years (Full)

The development hereby permitted shall be begun before the expiration of (3) years from the date of this permission.

Reason: In order to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the revised National Planning Policy Framework.

4. Furthermore, it is advised that an informative be attached advising that advertisement consent will be required for the proposed LED display panels and other signage.

Original Report

1. Proposal

- 1.1. Consent is sought for the development of a new central entrance to the Repertory Theatre with the reinstatement of a raised external platform at ground floor level with steps and ramp, installation of two free-standing gateway structures with LED advertising screens, external balconies at first floor level and the change of use of part of the first floor level to restaurant and other associated internal reconfigurations.
- 1.2. The existing fire exit located at the centre of the principal façade facing Centenary Square would form a new main entrance. The two arched windows located on either side of the existing fire exit would be replaced with glazed double doors.
- 1.3. The proposed gateway structures would be located on either side of the newly proposed central entrance and would have a metallic finish. Each would measure approximately 11m (h) x 2.5m (w) projecting approximately 3m from the façade. The two structures would comprise of double sided mounted digital screens which would also require separate advertisement consent.
- 1.4. The proposed raised platform would span approximately 11m to the left and 16m to the right of the proposed central entrance, with its widest projection being 6m from the existing façade. The platform would provide a raised seating area to the right and ramp to the left of the newly proposed entrance.

- 1.5. The proposed balconies would be made of steel structures with metallic cladding, positioned within the bays of the existing first floor and concrete solar shades. Powder coated metal balustrading would be located around the balconies with down lighters proposed on the façade beneath. The balconies would be accessed from the first floor restaurant area via glazed double doors. The proposed doors would be frameless glazed double doors with the base of the arch removed to create the required opening.
- 1.6. Various other signage has been proposed however, this would be evaluated as part of a separate advertisement consent application.

1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application relates to the main façade of the REP facing onto Centenary Square. The area surrounding the REP has seen significant development, including the construction of the new Library of Birmingham and the public realm improvements at Centenary Square and the latest metro extension.

2.2. [Site Location](#)

3. Planning History

The REP

- 3.1. 16/05/1996 – 1996/01080/PA – Window awnings to be fitted to the ground floor restaurant overlooking Centenary Square. Refused on the following grounds:

The proposed display would adversely affect the architectural appearance of the premises to the detriment of the amenity of the surrounding area.

Existing windows of distinctive arched head design. The Rep provides a good modern facade to Centenary Square. Proposal destroys the rhythm of the facade and obscures the design of the building where the arches to ground floor windows relate to the inverted arch shapes above.

Symphony Hall

- 3.2. 12/04/2019 – 2018/09424/PA – Extension and remodelling of the Symphony Hall Foyer with new frontage and associated works. Approved subject to conditions.

Centenary Square

- 3.3. 18/08/2016 - 2016/04486/PA - Remodelling and resurfacing of Centenary Square to provide a new civic space including hard and soft landscaping, reflecting pool, fountains, feature lighting poles and associated development. Approved subject to conditions.
- 3.4. 19/06/2018 - 2018/02692/PA - Non-Material Amendment to planning application 2016/04486/PA for removal of bench along Paradise Circus, raising of soft flower beds, amended levels, paving types and layouts, relocation of family statue, amendments to street furniture, cycle stands, lighting poles and flood lights. Approved.

Library of Birmingham

- 3.5. 26/11/2009 - 2009/03897/PA - Erection of public library (Use Class D1), together with partial demolition, refurbishment and extension of existing theatre (Sui Generis), including low carbon energy centre and associated landscaping and highway works. Approved Subject to Conditions.

4. Consultation/PP Responses

- 4.1. BCC Regulatory Services - No comments to make concerning these proposals. There are no contaminated land issues arising from these proposals.

4.2. BCC Transportation Development:

- The Square is not public highway so we have a limited ability to object on free-flow of pedestrians.
- The ramp is set forward of the existing building line but is set behind the red line boundary which is the historic boundary type wall and steps. As such it doesn't impinge on a previous direct pedestrian route.
- It's not ideal to be reducing this space but it still allows metres of space for pedestrians across the square, and ultimately the ramp construction is in the Rep's ownership and provides an easy access for those with mobility issues.

4.3. Letter of objection from the Centenary Square Delivery Manager - Three main concerns raised:

- The REPs Capital Plans propose to put back a raised seating area to the front. In my view this is going back to the original design that did not work for the Square. It is worth noting, that the reason they give to raise the area outside is to match the floor level inside. However, if you look at the floor levels in the Café you will see they are raised to the main building. The REP architect did confirm their floor could be lowered but it would increase the cost by about £1m, they also went on to confirm it would be the ideal solution. I believe that there is therefore a solution for them without impacting on the new square and rebuilding the raised seating area.
- At present there are no LCD screens on the square and to approve this will create a precedent. LCD screens will in my view have a negative impact on the square.
- In front of the raised platform they have included planting. This planting is not in keeping with the Centenary Square planting scheme.

In general, this design will require the breaking up of newly complete granite and would have a negative reaction from the public in terms of the planned coordination of the wider development, plus a waste of valuable resources.

4.4. Letter of objection from Twentieth Century Society –

- Not opposed to the proposed internal alterations, the introduction of a central entrance, or the changes to the landscaping facing Centenary Square.
- The proposed balconies and advertising screens would cause harm to the theatre's significance, through obscuring views of the principal façade and damaging its carefully balanced geometry.

- The proposed additions would obscure views of the gently curved façade, and the proposed dropping of window cills at first floor would reduce the legibility of the recognisable pattern of arches.
 - An unprecedented material in the building's design would disrupt the buildings distinctive materiality that was characteristic of architecture from this period.
 - The application does not provide convincing evidence that the introduction of the proposed balconies and screens are necessary to secure the long term use of the building.
- 4.5. Letter of support from Access Birmingham – Access Birmingham welcomes this proposal which includes improved inclusive access and a well presented design and access statement, it complies with Council's SPD - access for people with disabilities. It is assumed that the steps will have features to assist blind and partially sighted through insertion of tactile parallel bars at top and bottom of steps and contrast edging on steps in order to comply with part m building regs also the REP should be able to inform through a public notice perhaps at the disabled loos of the existence of a changing places toilet with hoist etc which exists at adjoining Library of Birmingham.
- 4.6. Letter of support from Theatre Trust -
- We welcome efforts by the theatre to develop their facilities in a way which will enhance its overall sustainability and viability, and we are supportive of this proposal;
 - The new main entry along with ramped access and outdoor seating will help improve the theatre's prominence and ensure it better engages with and activates the revamped Centenary Square.
 - The new main entry would benefit the theatre (and library) operationally as they would no longer be required to utilise the current entrance when the library is not in use.
 - The provision of a separate bar, café and restaurant all of which front onto the square will help make the theatre more inviting as an all-day destination outside of performance times and draw people in.
 - Not only will this enhance the direct income potential which will support the theatre's work but it will also help attract new audiences who may not have previously engaged with it. Significantly it will also provide an additional informal performance space which will help the theatre further diversify its cultural offer. Our only reservation with this part of the scheme is that there is no direct access for wheelchair users to the bar, although we appreciate there are constraints in terms of level changes;
 - We also welcome the provision of additional accessible WCs and a parent and child WC; and
 - Policy TP25 of the Birmingham Development Plan (2017) supports proposals which reinforce and promote the city's role as a centre for culture, including supporting its cultural facilities and expanding provision where it contributes to the city's continued success. Paragraph 92 of the NPPF (2019) seeks decisions to plan positively for cultural buildings. This proposal will not only enhance the role of the REP as a social and cultural asset for Birmingham but it will also contribute to and support the place making objectives of works to improve and revitalise Centenary Square.
- 4.7. Six letters of support have been received via the applicant - summarised below:

- Greater Birmingham Chambers of Commerce - The new central entrance leading on to Centenary Square will not only enhance the building itself, but will complement the frontage of the library. Natural footfall will increase, culminating in increased revenue for the organisation and the City.
- Trustee of the Sir Barry Jackson Trust - The project will create a more welcoming and accessible entrances that will better connect with Centenary Square. It will allow the theatre to capitalise on the growing footfall in the square by introducing new food and beverage opportunities at both ground and first floor levels. It will expand the public offer and contribute further to the city economy.
- University of Worcester - The proposed redevelopment of the entrance to the REP to make it more centrally inviting and its signage more prominent will signal much more clearly its role and function as a theatre. The proposed internal ground floor reconfiguration will resolve the current constraints on the position of bars and relaxed eating areas thus generating and easing additional public circulation and crucially the capacity for attracting more sales and thus more revenue for the company. The planned repurposing of the currently underused first floor area as a restaurant will not only provide more sales outlets but will exploit the magnificent possibilities envisaged as part of Graham Winteringham's original design.
- Councillor Jayne Francis (cabinet member for Education, Skills and Culture) – The proposal will serve to enhance the REP and will be an essential part of Birmingham's cultural landscape.
- Councillor Anita Bhalla OBE (Chair of Performances Birmingham Ltd) – the project will transform the public areas of the REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area including the new Symphony Hall entrance. It will allow the theatre to capitalise on the growing footfall of the square by introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square. The remodelling of the public areas will also allow for more informal and diverse performances as well as private events.
- Mayor of the West Midlands Andy Street – The project will transform the public areas of the REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area. It will allow the theatre to capitalise on the growing footfall of the square introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square. The remodelling of the public areas will also allow for more informal and diverse performances as well as private events. It will expand the public offer and better reflect both the status and ethos of the company. It will also directly increase income and employment and contribute further to the city economy.

4.8. Letter of support from the West Midlands Growth Company:

- This project will transform the public areas of The REP creating a much more welcoming and accessible entrance that will better connect with the newly landscaped Centenary Square and surrounding area.
- The design is sympathetic to the original Graham Winteringham design and will allow the theatre to capitalise on the growing footfall of the square by introducing new food and beverage opportunities at both ground and first floor level with outdoor seating and balconies overlooking the square.
- The remodelling of the public areas will also allow for more informal and diverse performances as well as private events. It will expand the public offer and better reflect both the status and ethos of the company.

- It will also directly increase income and employment and contribute further to the local economy.
- 4.9. A letter from the Deputy Artistic Director of the Birmingham REP has been provided by the applicant with concerns regarding separate flat access entrances for wheelchair/mobility users which would not represent inclusivity and access should be equal for disable and non-disabled people.
- 4.10. Birmingham City Centre Management, Amenity Groups, Residents association, local councillors and nearby occupiers notified. Press and Site Notices displayed. One letter of objection from member of the public:-

This side of Centenary Square has just only been completed and opened to the public, with new block paving that is now at risk of being damaged by new construction work. I could not find in the planning application any indication of timing, and no indication as to how much of Centenary Square would need to be closed off, and for how long. Birmingham City Council have a duty to care for the public and working people walking past this place every day to go to work, and must also get all the guarantees that such work will be completed, at no extra cost, in time for the Commonwealth Games.

5. Policy Context

- 5.1. Birmingham Development Plan 2017; Birmingham Unitary Development Plan 2005 (saved Policies); Lighting Places (2008) SPD; The Big City Plan; Places for All SPG; and the revised National Planning Policy Framework. The Hall of Memory is Grade I Listed and the nearby Baskerville House and 301 Broad Street are both Grade II Listed.

6. Planning Considerations

POLICY

- 6.1. Paragraph 124 of the National Planning Policy Framework (NPPF) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 states that planning policies and decisions should ensure that developments will function well and adds to the overall quality of the area and should also ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Furthermore paragraph 30 exclaims that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.2. Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.3. Policy PG3 of the Birmingham Development Plan (BDP) states that all new development will be expected to demonstrate high design quality, contributing to a sense of place. Policy TP12 of the BDP states that applications affecting the significance of a designated or non-designated heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation whilst protecting or where appropriate enhancing its

significance. It further states that the council will support development that conserves the significance of non-designated heritage assets.

- 6.4. Policy TP25 states that proposals which reinforce and promote Birmingham's role as a centre for tourism, culture and events and as a key destination for business tourism will be supported. The policy further notes that this will include supporting the City's existing tourist and cultural facilities and enabling new or expanding provision where it contributes to the City's continued success as a destination for visitors.
- 6.5. The main issues are considered to be whether the principle of the development is acceptable and if so whether the design is appropriate having regard to its impact on this non-designated heritage asset and the immediate surrounding and highways.

PRINCIPLE

- 6.6. The applicant's aspiration to create a central entrance and internal reconfiguration to enhance legibility is welcomed. It is considered that implementing a more open plan layout at ground floor level would improve ease of movement within the REP and engage better with the remodelled Square. The proposed central foyer area and relocation of the box office on axis with the new main entrance would allow for ease of navigation. Incorporating the main entrance to the centre of the southern façade which faces directly onto Centenary Square would offer more of a visual presence, thereby helping to attract passers-by. This would be further enhanced by the proposed café/bar area located across most of the width of the ground floor providing a more active frontage.
- 6.7. However, the proposed gateway structures, balconies at first floor level and the reintroduction of a raised platform at ground floor are not supported. These proposed additions are considered to have a detrimental impact on the architectural appearance of this building. As recognised by the architects, the REP Theatre has considerable architectural merit and contributes to the wider setting and character of Centenary Square; to the extent that it is considered a non-designated heritage asset. As such, any development or alteration to the building must acknowledge this architectural significance, and any negative impact must be justified fully. The successful integration of all forms of new development with their surrounding context is an important design objective.

DESIGN

- 6.8. Concerns regarding each of the design elements below had been raised at the pre-application stage and throughout the assessment of this planning application. However, a revised scheme from the applicant has not been forthcoming.

Balconies at first floor level and gateway structures with digital screens

- 6.9. The application is accompanied by a Design and Access Statement (DAS) which states that the REP is 'an iconic building and considered to be an un-designated heritage asset' and goes on to say that 'it's symmetrical and curving façade of inverted arches are synonymous with the REP'. It is considered that the proposal is at odds with what has been rightfully recognised within the DAS. The south elevation facing Centenary Square is one of the REP's most architecturally significant original features and the least altered element of the building. The Council's City Design Officer considers that the introduction a new structure encompassing the balconies and gateway structures fails to recognise the importance of this façade, adding

clutter that detracts from the simplicity of the form and interrupts the rhythm and detailing of the façade. Furthermore, it is considered that the balconies and gateway structures would obscure views of this principal façade reducing the legibility of the recognisable pattern of arches.

- 6.10. In addition, the proposed balconies and gateway structures would be made of steel with metallic cladding and a gold coloured finish. This is considered to be at odds with the distinctive materiality of the REP and would introduce alien features uncharacteristic of the building. The Council's Conservation Officer also notes that the proposed entrance gateway introduces a vertical and horizontal interruption to the front façade of the building which would impact on the architectural symmetry and rhythm of this elevation. Projecting forward and dominating the form of the main building the entrance structure shows little in the way of a design response and proposes materials that would appear incongruous to the host building. The loss of architectural form and simplicity of design is not justified by the benefits of the proposal and would cause harm to a non-designated heritage asset and fail to align with policies within the BDP and paragraph 197 of the NPPF.

Reinstatement of raised platform

- 6.11. The Council's Delivery Manager for Centenary Square had raised concerns regarding reinstatement of the raised platform with the applicant at pre-application stage and at the time of the application submission. It is understood that the proposed levelling of the forecourt area of the building was agreed with the REP at the time of the planning application submission for the remodelling and resurfacing of Centenary Square (planning ref: 2016/04486/PA). As stated within the August 2016 committee report for the square, one of the key elements of the proposals was *'to provide reconfigured 'break out' external seating opportunities for both the REP Theatre and the Library of Birmingham'*. The committee report further states that the *'altered and rationalised levels would create and capitalise opportunities for uses such as the Library Café, the REP and the ICC/Symphony Hall to spill out into the square with seating etc. This would add life into the square when large-scale events are not taking place'*. As a result, the current proposal to reinstate a raised platform would be at odds with the previously consented remodelling of Centenary Square.
- 6.12. The Council supports the applicant's desire to spill into Centenary Square, but the reinstatement of a raised platform is considered to reintroduce clutter to this simple façade and disrupt the relationship between the REP and the Square. The platform would introduce a physical separation between the newly remodelled Square and the REP. The Places for All SPG states that more entrance points encourage more life and activity onto streets/ public areas, and that active frontages with windows enliven public space and increase surveillance. However, current proposals incorporate a raised platform which would block existing glazed elements of the building.
- 6.13. Prior to the development of Centenary Square, the REP had a raised seating area to the front, which was unsightly and blighted the corner of the square and generally had a very negative impact on the area. As previously mentioned, as part of the Centenary Square development, in consultation with the REP, the square levels were raised to enable the original raised seating area to be levelled. The new levelled area is now more in keeping with the other buildings around the Square and not only aids the Square's cohesion, but its relationship with the REP. The reintroduction of this raised element, will revert back to the previous position, leading to a proposal that will negatively impact on the character of the building and wider

space, in turn failing to align with the requirement of BDP policies and paragraph 127(c) of the NPPF.

- 6.14. As such I concur with the Council's City Design Officer who considers the raised platform to have a negative impact on the balance of the façade. The rhythm and detailing of the solar shades which contribute to the façade would be lost with the whole sale removal of the ground floor elements. The terrace and ramp detracts from the simple, open narrative of the façade, cluttering and masking the ground floor, thereby negatively impacting on the character of the whole building. The architects need to effectively reconcile these internal level changes, without negatively impacting on the building and the Square. Extending the heightened ground floor cannot achieve this and is not a considered architectural response.
- 6.15. Furthermore, the Council's Conservation Officer has stated that the addition of the built up platform and ramp appears as an over intensive addition to the front of the building, which already offers level access through the existing main entrance, adding a cluttering effect to what is intended to be a simple and uninterrupted façade contrary to both local and national planning policy.

Impact on surrounding heritage assets

- 6.16. The proposed gateway structures would be highly visible within the context of Centenary Square and there would be a high level of inter-visibility between the development and the identified listed buildings, more specifically the Grade I listed Hall of Memory which is a building of the highest significance. The proposed materials of the entrance structure, metal balcony railings and large, digitally illuminated signs do not respond to this highly sensitive setting and would be visually intrusive. The proposal by means of form, materials and scale does nothing to preserve the setting of the listed buildings and in its current form is considered to cause harm to their setting failing to align with local policy, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 196 of the NPPF.
- 6.17. The ambitions of the applicant are noted however, their proposals have not sufficiently considered the impact of the scheme on the architectural interest of the building and on the setting of the surrounding listed buildings. The proposed benefits of this scheme could be achieved through a more responsive and less harmful scheme and therefore in its current form the proposal is not considered to provide sufficient public benefit that outweighs the harm caused to the significance of the non-designated heritage assets or to the setting of the listed buildings.
- 6.18. Whilst there are examples of high level screens at the Birmingham Hippodrome Theatre, these are situated within the context of an area with late night entertainment provision. This differs from the civic offering of Centenary Square that includes statutory listed buildings and is unlikely to constitute a non-designated heritage asset.

DISABLED ACCESS

- 6.19. The reinstatement of the raised platform would provide ramp access for disabled users. Enabling the provision of a central entrance with level access for all visitors is encouraged. However, the applicant needs to effectively reconcile these internal level changes without negatively impacting on the building and the square. Extending the heightened ground floor cannot achieve this and is not a considered architectural response. Alternative solutions are possible such as lowering the

internal floor levels in the existing café thereby providing level access and enabling the spilling out into Centenary Square.

- 6.20. The current proposal allows for ramp access to the new entrance foyer, however, once at the foyer a disabled individual would still need to use a lift to visit the box office. Whereas an alternative, more efficient route is currently provided by the existing level access to the left of the building (adjacent to the disabled parking situated along King Alfred's Place) or from the existing level access from the adjacent Library.
- 6.21. Overall, the building has a number of at-grade entrances that enables level access into the building which would provide for a legible route to the newly proposed box office and café/bar areas. As a result, introducing a structure that negatively impacts on the character of the building is not justified.

HIGHWAY MATTERS

- 6.22. BCC Transportation Development have raised no objection to the proposals on highway safety grounds.

OTHER ISSUES

- 6.23. The six letters of support provided via the applicant have been noted. The Council recognises and welcomes the aspiration to improve legibility, to enhance the ancillary leisure facilities of the theatre and to create a more coherent primary entrance with a greater presence on the Square. However, this cannot be to the detriment of the building and the surrounding area.
- 6.24. BCC Regulatory Services have raised no objection to the proposed scheme.

7. Conclusion

- 7.1. The Council supports the REP's aspiration to create a more prominent main entrance and enhance the internal legibility of the site. However, the application in its current form would have a detrimental impact on the architectural detailing of this non-designated heritage asset and as a result does not comply with both local and national planning policy. A more sensitive revised scheme implementing a central entrance with the proposed internal reconfiguration as discussed at pre-application and during the course of determination of this application would be welcomed.

8. Recommendation

- 8.1. Refuse

Reasons for Refusal

-
- 1 The proposed development by virtue of its design and scale would not preserve the setting of the Grade I listed Hall of Memory and the Grade II listed Baskerville House and 301 Broad Street. The scheme therefore fails to accord with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
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- 2 The proposed development by virtue of its design, would cause unjustified harm to the character and appearance of this non-designated heritage asset. The scheme therefore fails to accord with paragraphs 196-197 of the revised National Planning Policy Framework and Policy PG3 and TP12 of the Birmingham Development Plan 2017.
 - 3 The proposed gateway structures, balcony and raised platform would be harmful to the character and appearance of the building and Centenary Square by virtue of their scale, materials and design. As such it would be contrary to policy PG3 of the Birmingham Development Plan and revised National Planning Policy Framework.
-

Case Officer: Miriam Alvi

Photo(s)

1. View of the REP in alignment with the Grade I listed Hall of Memory



2. View from the east



3. Existing façade fronting directly onto Centenary Square



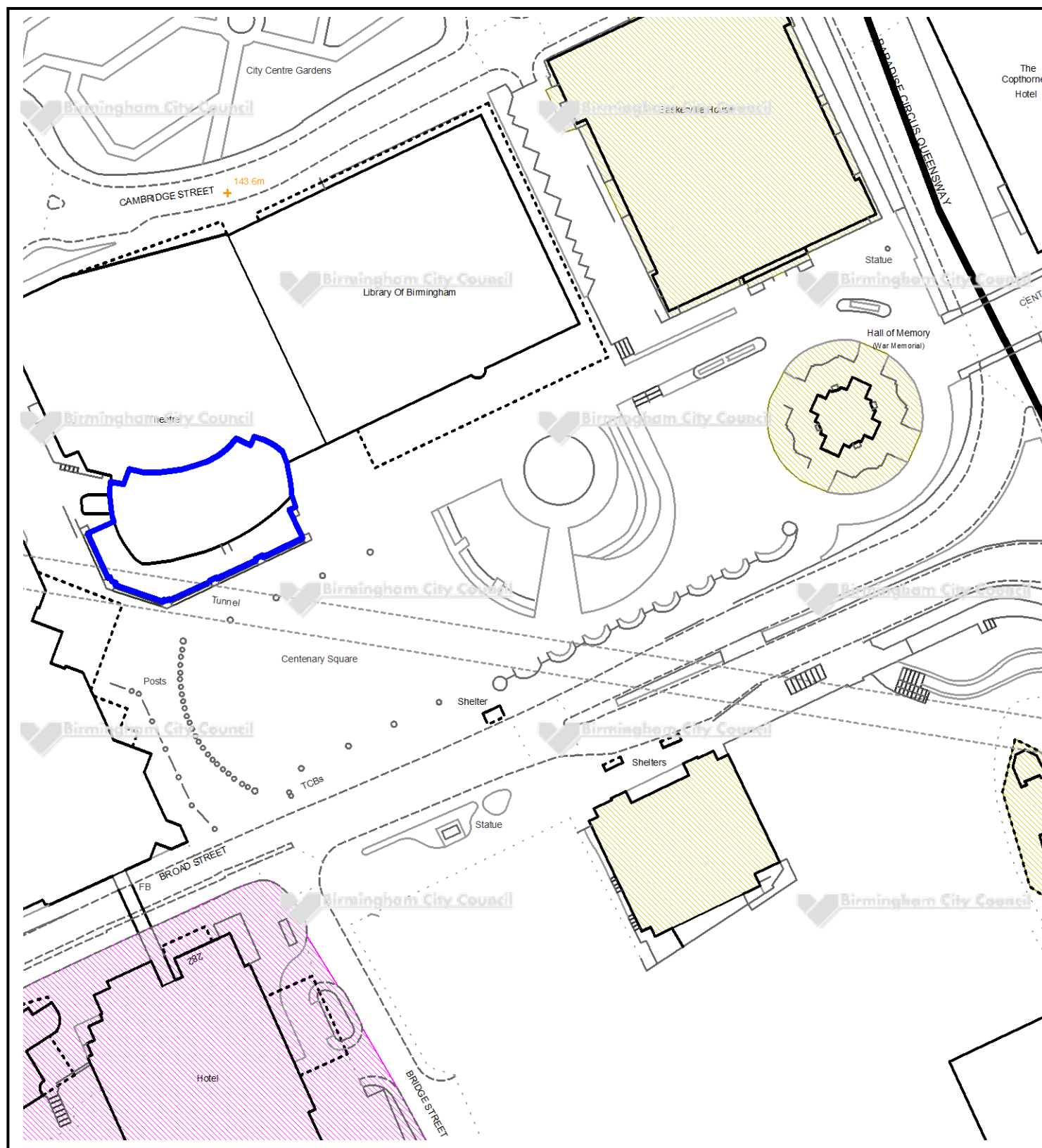
4. Existing east entrance



5. View from the ICC/Symphony Hall



Location Plan



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Committee Date:	19/12/2019	Application Number:	2018/10311/PA
Accepted:	20/12/2018	Application Type:	Full Planning
Target Date:	21/12/2019		
Ward:	Ladywood		

71 Corporation Street & 43 Temple Row, City Centre, Birmingham, B2 4UG

Redevelopment comprising: change of use of 71 Corporation Street from retail (Use Class A1) to flexible mixed use including office (Use Class B1), retail uses, including food and drink and professional services (Use Classes A1, A2, A3, A4, A5) and/or leisure (Use Class D2) under Part 3, Class V of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended); change of use of 43 Temple Row from office (Use Class B1) and bank (Use Class A2) to hotel (Use Class C1); additional and extended floorspace; part replacement and part refurbishment of the existing facades and associated works.

Recommendation
Determine

Report Back

Consultation Responses

1. This application was considered at Design Review Panel, prior to being considered at Planning Committee on the 23rd May 2019. At the Planning Committee meeting members were minded to defer determination to enable further discussions about the concertina windows, the additional floors and the impact on Cathedral Square. In light of these comments the applicant reviewed the proposals and has updated the proposed design, to reduce the scale of the rooftop extension by 1 storey, revise the concertina façade design and added a design interpretation of the original canopies in the revised shopfront treatment.
2. Following the formal submission of the revised designs, the scheme was considered at a second Design Review Panel meeting and further consultations have been undertaken with Historic England, Birmingham Civic Society and Birmingham Modernist Society / Bruitiful Birmingham. The comments received are summarised below
3. Design Review Panel (second meeting)-
 - the proposals will result in substantial harm to Cathedral Square and Corporation Street in terms of the design and scale of the rooftop extension;
 - concern about the height of the hotel;
 - the design of 43 Temple Row should be bold;
 - the concertina windows should reflect the existing windows more closely; and

- the Corporation Street façade should be further considered and the existing stage curtains retained.
4. Historic England
- a reduction in the proposed height by one storey now results in a lesser prominence and impact when viewed from the Cathedral, Temple Row and Colmore Row. However, this approach has not been extended to 43 Temple Row where the corner plot remains unchanged and is somewhat unresolved when viewed against the rest of the site and other buildings addressing the cathedral; and,
 - the impact of the scheme is not markedly reduced when viewed from Corporation Street, with the bold design approach emphasising the scale and massing of the roof extension by continuing the building line on all elevations, with no set back and even a cantilevered overhang to the principal elevation on Corporation Street.
5. Civic Society
- welcome the reduction in height and recessing of the extension to Cathedral Square but the new roof intervention should read from both sides as clearly new;
 - welcome the proposals for the concertina façade to Corporation Street and repurposing some of internal features;
 - the elevational treatment of the hotel does not appear to have changed and does not follow the massing of other buildings in the Cathedral Square. A simplified façade could be appropriate but detailing will be critical;
 - articulation of the Cherry Street elevation between old and new is important and opportunities should be taken to improve the street scene; and,
 - a number of details were suggested as being subject to condition, which would seem sensible but greater comfort is needed to ensure the design team's aspirations are not diminished
6. Birmingham Modernist Society / Brutiful Birmingham
- the reduction in height of the roof top is welcome and the cantilevered element to Corporation St, whilst bold, appears more in keeping with the scale of the street. However, the top floor 'follies' appear unnecessarily arbitrary in form;
 - removal of the canopies changes the proportion of the overall block and the more flush proposal loses some of the gravity of the original;
 - the Cherry St elevation with its 'floating' stone panel with vertical slot windows should be retained as far as possible;
 - the revised glazing proposals reflect the existing more closely but details will need to be carefully controlled. The stage window to Corporation St is a big part of this elevation composition and should be integrated as a unique detail. Also the colour palette for the translucent windows should follow the original colours. Any typefaces to signage should reference the original of the period
 - There is not much detail provided for the hotel proposals. The block reads as a vertical marker to the horizontality of Rackhams and the ground floor facade/structure treatment is unresolved. The functional aspects of the hotel were not available, also no provision has been made for signage. The detailing and material specification, particularly to glazing packages, will be fundamental to its success. Question whether light stone is the correct material as it appears to blend in too much with Rackhams.
 - welcome interior features being retained but this should be written into any contract. However, there are no details of the interior atrium. Proposal to remove ceilings and reveal services and structure welcome, as long as new additions are carefully coordinated. Artwork/murals should inform the fabric of

building e.g. patterns could be used for soffit of extension/rooftop additions. A gallery space would also be welcome.

7. In addition, one letter from a local business has been received commenting that they are concerned about the scale and intensity of development, which will have a terrible effect on trade and foot fall in the North Western Arcade and surrounding units. Can the developer and the City Council Planning Committee guarantee that all steps will be taken to protect local Birmingham retailers.
8. In response to this feedback the proposals were amended again and provided to Officers for comment. Specifically, on the Corporation Street elevation the 'stage curtain' feature was proposed to be recreated, the design and proposed colour of the Concertina to Temple Row was revised to more closely resemble the original façade (with greater horizontal emphasis) and the rooftop extension was framed in stone to more closely resemble the 'Festival of Britain' feel to the building.

Revised Drawings (current proposals)

9. The following summarises all changes made to the plans in response to Committee feedback, capturing all changes made since Committee in May:
10. Reduction in Massing - the original proposals included a three storey rooftop extension to both 71 Corporation Street and 43 Temple Row (plus lift overruns and plant). Following a review of the development, the applicant has reduced the scale of the proposed rooftop extension on 71 Corporation Street by removing one storey. In addition, the pavilion buildings on the roof terrace level have been set back from Temple Row. This achieves an overall reduction in the height of the extension by 4m. The removal of one storey reduces the overall floorspace proposed from 58,553sqm to 53,841sqm, which equates to a reduction of 4,712sqm.
11. Articulation of the rooftop extension - the rooftop extension has been reframed to create a horizontal expression in contrast to the previous vertical emphasis which ties into the concertina façade below. A stone frame has also been introduced that matches the materiality and architectural language of the existing stone cladding of 71 Corporation Street and from other buildings from the Festival of Britain period. This includes a change to the windows in the roof top extension to Cherry Street which now have a slotted appearance and are set back from the corner allowing more stone to be used. The material strategy for the pavilion buildings has also been updated to reflect the revised approach to the roof top extension and stone materiality.
12. Concertina Windows – the proposals considered at Planning Committee sought to part-refurbishment and part-replacement of the existing façade. It was proposed that the concertina would be replaced with a modern interpretation. However Committee sought the concertina façade should further resemble the existing façade whereby a greater horizontal emphasis was present and it was also sought that the original aqua colour palette was reinstated. As such, the replacement façade will recreate the bi-chromatic arrangement of the vertical and the horizontal panelling with further horizontal emphasis and will reinstate the articulation and modularity of the original façade. The 'window box' feature to the Corporation Street elevation has also been reintroduced.
13. Canopy features - one of the key design interventions forming part of the strategy for the re-imagining of this important building is to remove the canopies to enable significant improvements to visibility to the ground floor frontage. A preference for

retention has been expressed for reasons relating to the original composition of the building and its overall grounding to the street. However, the applicants position remains that retention of the current canopies would hinder visibility into the ground floor retail uses and would be out of step with modern requirements. Nevertheless, to address the concern around the framing of these, the elevations have been updated to include an interpretation of the canopies through the incorporation of a projecting element that alludes to the former canopies.

14. Cherry Street – minor changes to the fenestration of Cherry Street elevation have been made to align more closely to the composition of the original façade. The glazed ‘frame’ that borders the existing windows will be reinstated to enable the façade to be more comparable to the existing composition.
15. 43 Temple Row - the articulation of 43 Temple Row has been updated, the previously proposed metal patterned panels have been removed and subsequently the stone frame around the windows has increased in thickness. This emphasises the verticality of Temple Row façade and its perceived visual relationship with Bank House. The applicant maintains that this is a suitably bold approach to this building, which respects its setting and wider context.
16. Internal Features - the applicant is aware that a number of original internal features remain within the building. A number of the original features, including a mural, are ‘hidden’ behind partitions not yet fully explored however the applicant intends to undertake a survey of the original internal features to understand their condition and prospects for retention. The applicant has indicated that they remain committed to retaining internal features where possible including the original internal staircases already identified.

Conclusions

17. I consider that these design refinements address the concerns made and represent a suitable balance between the successful re-imagination of this building for its next use and reinterpretation of its most important features.
18. The redevelopment of 71 Corporation Street and 43 Temple Row is a significant investment for Birmingham City Centre, responding to the changing nature of the High Street. The proposals provide a unique opportunity to repurpose a strategic site in the City Centre which can no longer continue as a department store in the long term. The investment will create high quality Grade A office floorspace, a new hotel to serve the city and provide retail and leisure floorspace in a sustainable location that will support and diversify Birmingham’s City Centre.
19. The proposed development has been the subject of extensive pre and post submission discussions with officers at Birmingham City Council and other consultees including Historic England and the Civic Society. Through these discussions further detail has been provided to address design matters raised by consultees. In addition, a safeguarding condition is attached to secure further architectural details.
20. Historic England have not formally objected to the application but remain concerned about the height of 43 Temple Row and the appearance of the rooftop extension from Corporation Street. However, in this instance, I consider that the “less than substantial harm” to heritage assets is outweighed by the public benefits, including:-

- securing the refurbishment and reuse of an important building, responding to the original design intent, whilst updating and modernising the building to suit 21st Century requirements;
- a long term investment of into Birmingham City Centre acting as a catalyst for wider investment;
- creation of a new 'destination' for the city, with significantly improved active frontages to Temple Row, Cherry Street, and Corporation Street.
- provision of flexible Grade A office floorspace suitable for multi-nationals and start-ups;
- provision of flexible retail space suited to current market requirements;
- a new hotel to serve Birmingham City Centre which will deliver high quality accommodation;
- approximately 1,980 FTE jobs will be created during operation of the development; and,
- approximately 200 FTE additional jobs will be created during construction.

Recommendations

21. On balance, I consider that in its revised form the application satisfactorily addresses concerns raised and I therefore adhere to my previous recommendation to approve subject to safeguarding conditions.

Original Report

1. Proposal

- 1.1. Planning permission is sought for redevelopment of 71 Corporation Street and 43 Temple Row. The proposals for the exterior design, scale and appearance of the buildings are submitted in full detail; however flexibility is sought over the different uses that could be accommodated within 71 Corporation Street across each level.
- 1.2. Whilst the planning application includes comprehensive proposals for the two buildings, the current buildings function separately. It is therefore proposed to deliver the development in two phases. The redevelopment of 71 Corporation Street would commence first in 2019, followed by works commencing on 43 Temple Row in 2020. This is due to the current lease arrangements for the two buildings.
- 1.3. All of the uses proposed for 71 Corporation Street require natural daylight, which is not currently present due to the inward looking nature of the department store. It is therefore proposed to create a new central atrium; and the replacement of the existing (largely opaque) concertina to both the Temple Row and Corporation Street elevations, with a new glazed solution. The creation of the internal atrium would in turn lead to a loss of internal floorspace, which it is proposed to be replaced via a new roof top extension in order to ensure the viability of the scheme.

External Appearance

- 1.4. The proposals for 71 Corporation Street include the part-refurbishment and part replacement of the existing façade. The existing Portland stone frame would be retained and 'cleaned' where necessary and the concertina would be replaced with a new glazed interpretation of this feature, whilst retaining the distinctive shape.
- 1.5. The proposals for 43 Temple Row includes the complete replacement of the existing façade with a new higher quality façade which would be constructed from

reconstituted stone cladding, perforated metal infill panels and “champagne gold” aluminium window frames.

- 1.6. The proposals include a three storey rooftop extension to both 71 Corporation Street and 43 Temple Row (plus lift overruns and plant). A more subservient roof top extension is proposed on the Cathedral Square frontage, with a more dramatic cantilevered design response on Corporation Street.
- 1.7. Active uses are proposed at street level along Temple Row, Cherry Street, Corporation Street and in the North Western Arcade. To create a more attractive and inviting ground floor environment, a series of design interventions are proposed to be incorporated such as: removal of the existing canopy; increased height of the ground floor units; and removal of the existing frontages and replacement with new glazed shopfronts with higher quality finishes. A shopfront strategy has been submitted consisting of large glazed modern shopfronts with dark bronze framing and horizontal band of louvres at the head of the shop front. Tennant signage would be behind the glazing of each shopfront bay with a projecting sign fixed to the pilaster (1 per unit).

Proposed Uses - 71 Corporation Street

- 1.8. The proposals for 71 Corporation Street include the change of use of the existing building into an office led, mixed use building. Flexibility is sought on a range of acceptable uses which could be provided at basement through to first floor and at roof level to allow for the development to respond to market demands. The area(s) where flexibility is sought is set out in the Table below.

71 Corporation Street Use Class accommodation schedule

Use Class	Maximum GIA sqm
B1 – offices	48,872 (plus 2,513 sqm ancillary space)
A1 – shops	7,596
A2- financial and professional services	7,596
A3 – restaurants and cafes	9,678
A4 – drinking establishments	9,678
A5 - hot food takeaway	7,596
D2 – assembly and leisure	6,535

- 1.9. Office floorspace (Use Class B1) is the primary use which is proposed over 11 principal floors (basement, ground and floors one to nine). The office areas proposed at basement and ground floor level are ‘back of house’ areas, rather than usable office floorspace. The usable office floorspace is proposed from first floor to ninth floor where an atrium would provide natural light into the development.
- 1.10. The main entrance to the offices is proposed at the first floor level (ground level to Temple Row). The office reception and lobby area provide access to the upper office floors, and would also include a potential ‘co-working’ area, which could be shared with and connected to the hotel. The remaining part of the first floor where it fronts on to Temple Row is proposed to be flexible uses (Use Classes A1/A2/ A3/A4/A5). Flexibility is sought over the use and composition of this floorspace and the precise layouts, location of shopfronts and any additional external entrances as may be necessary to facilitate individual uses.

- 1.11. The ground floor (access via Corporation Street, Cherry Street, and the North Western Arcade) and basement areas are proposed for flexible retail and leisure uses (Use Classes A1-A5 and/or D2). Indicative entrances are shown along the key main frontages along Cherry Street, Corporation Street, and North Western Arcade. A 'route through' from Temple Row to the ground floor via either a staircase or lift, as per the existing arrangement is also indicated.
- 1.12. At roof level, a new publically accessible terrace area is proposed, and flexibility is sought for potential A3 and A4 uses.
- 1.13. Vehicular access into the service yard (located at the second floor of 1 Temple Row) is off Temple Row via the existing vehicular ramp. This access would be limited to service vehicles only; there are no parking spaces proposed as part of the development, which is reflective of the site's sustainable location and the existing arrangement. However a new secure cycle store and associated facilities is proposed within the service yard to serve the new office accommodation. Depending on the final level of office floorspace, up to 233 cycle parking spaces could be provided in this area.

Proposed Uses 43 Temple Row

- 1.14. The proposal for 43 Temple Row includes the change of use of the existing building to a hotel to include up to 200 bedrooms (Use Class C1). The proposed building would be 11 storeys in total (excluding the basement) plus roof top plant.
- 1.15. The hotel lobby would be accessed off Temple Row. No parking spaces are proposed to serve the hotel; however there is an opportunity for provision of a dedicated taxi drop-off point on Temple Row.
- 1.16. In support of the application the following documents have been submitted:-
 - Design and Access Statement
 - Planning Statement
 - Heritage Statement
 - Economics Benefits Statement
 - Statement of Community Engagement
 - Transport Statement and Travel Plan
 - External Lighting Strategy
 - Incoming Utility Statement
 - Flues and Ventilation Strategy
 - Energy Report
 - Noise and Vibration Assessment
 - Sustainable Construction Statement
 - Sustainable Drainage Strategy and Sustainable Drainage Operation and Maintenance Plan

- 1.17. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site is situated in Birmingham City Centre and forms part of an urban block bound by Corporation Street to the south east, Cherry Street to the south west, Temple Row to the north west and Bull Street to the north east.

- 2.2. The site measures 0.9 hectares in area, and includes 71 Corporation Street (currently occupied by the House of Fraser Department Store), the associated service yard (located at the second floor of 1 Temple Row), and 43 Temple Row. There is a pedestrian arcade known as the North Western Arcade which runs through the site, however this is not within the ownership of the applicant, nor is 1 Temple Row which is adjacent and forms the remainder of the city block.
- 2.3. 71 Corporation Street is an 8 storey building designed by TP Bennett and built in several phases between 1957 and 1980. The principle frontage and main pedestrian entrance to the department store is from Corporation Street, with secondary pedestrian entrances off Temple Row and the North Western Arcade. A vehicular access into the service yard is located on Temple Row.
- 2.4. 43 Temple Row is a 7 storey building designed by James A Roberts Associates and built in 1980. It is currently occupied by Lloyds Bank at ground floor and office accommodation above.
- 2.5. The site has frontages to Temple Row/Cathedral Square, Cherry Street and Corporation Street. These areas developed during different periods and have distinct characters.
- 2.6. The site is located within (but on the edge of) the Colmore Row and Environs Conservation Area, which includes a diverse range of architectural styles primarily from the early to mid-19th century. There are no listed buildings within the site, but there are a number of notable listed buildings within close proximity, including the Grade I listed Birmingham Cathedral.
- 2.7. Cathedral Square is situated to the north west of the site with the Cathedral Church of St Philip at its centre surrounded by its churchyard and enclosed by buildings along Temple Row (including House of Fraser and 43 Temple Row), Temple Row West, St Philip's Place and Colmore Row.
- 2.8. [Site Plan](#)

3. Planning History

- 3.1. The application site does not have an extensive recent planning history. There have been various planning permissions for minor alterations to the existing buildings but nothing substantial or relevant to the current proposal.

4. Consultation/PP Responses

- 4.1. Prior to submission of the planning application the applicant had discussions with appropriate officers of Birmingham City Council. They also invited key stakeholders - including adjoining owners, special interest groups, ward councillors and business groups - to attend presentations. A Press Release providing details of the proposals and the website address were also issued to the local media on 3rd December 2018.
- 4.2. On submission of the planning application, consultations were undertaken with adjoining occupiers, residents associations, local ward Councillors and M.P. Site and press notices displayed. Below is a summary of the comments received.
- 4.3. BCC Transportation Development - no objection to the stopping-up plan and taxi plan details, noting a stopping-up resolution. Suggest conditions to secure a

servicing and taxi management plan; provision of the stated cycle parking and related facilities (changing rooms and showers) and; a construction management plan. There are also various canopy structures that project over the public footway and these will require a licence from BCC Traffic Management Services team.

4.4. BCC Regulatory Services -

- Hotel - the developer should ensure that the proposed hotel provides suitable amenity for future customers and they should bear in mind the comments and recommendations in the submitted noise assessment;
- Bar / restaurant - the noise report makes recommendations for the façade insulation to the roof top bar, which should be incorporated in the approved plans. There appear to be 2 open terrace areas on the top storey - music etc. from these areas should be controlled via a condition. The noise assessment is for the roof top club only that is on the side of the building furthest from the nearby residential use. Bar use in the ground floor units should not be an issue as future uses will be controlled via the licensing regime;
- Restaurant / hot food takeaway - provided all the kitchen extract systems discharge vertically 1 m above the roof this will be acceptable.

4.5. BCC Employment Access Team – recommend securing local employment and training.

4.6. Local Lead Flood Authority – no objections

4.7. Design Review Panel:-

- The mix of uses is a positive move;
- The glass box roof extension is very substantial, potentially out of scale with the historic context of the Victorian buildings on Corporation Street as well as impacting on the character of Cathedral Square and surrounding buildings. A rationale for the proposed massing and design narrative explaining the preferred massing solution is required to justify the proposed extension;
- Retaining some character of the existing building is an interesting approach. Although loss of the 60s façade is regrettable, a contemporary solution with quality detailing and materials could be acceptable. Further details regarding the proposed cladding approach are required;
- The proposed treatment of the hotel is underwhelming;
- The early proposals for the atrium space appear confused and lack clarity.
- There is a lack of legibility at street level particularly Corporation Street;.
- Further improvement could be done to ensure that the health and wellbeing agenda is clearly imbedded into the design proposal. It was also suggested that community and art facilities are incorporated to encourage people into the building.

4.8. Historic England –concerned regarding the proposed 3-to-4 storey roof extension and its harmful impact on both the Colmore Row and Environs Conservation Area and the setting of the Grade I listed St Philip's Cathedral. They do not consider that the current designs make a positive contribution to local character and distinctiveness, nor sufficiently respond to the character and appearance of the conservation area. Furthermore they do not consider that the proposal offers any heritage benefits and are concerned that it results in harm that could be avoided by an alternative design for a reduced scheme which better responds to the various heritage assets.

4.9. Civic Society –

- The change to mixed use is welcomed and it is accepted that there is a reduced need for a department store of this scale in this location;
- The layout proposals are grounded in sensible principals - new atrium, retail and leisure on the lower floors and offices on upper floors;
- The external design misses many opportunities; the very uniform treatment of the corner (hotel) block is mundane. This and the additional floors added subsume the visual importance of the original concertina façade which the new copper mesh and glazed treatment cannot overcome.
- The building's original firm of architects has been employed but it is felt that the proposals are not of an equal quality to those of the original building;
- The development will impact on Cathedral Square and particularly the setting of St Philip's Cathedral, and its scale and detailing should be reconsidered in view of this;
- The development will have a dominating effect on the street-scenes. This addition of approximately another two-thirds of the mass of the building on top seems over-bearing, and particularly to Temple Row appears like a 'cliff face';
- It is questioned whether the rooftop could be formally designated as public open space;
- There are known to be a range of features surviving and every effort should be made to preserve these as a positive feature of the design:
 - Interiors: a watching brief on the uncovering of interior fittings and fixtures should be carried out
 - Main facades to Corporation Street and Temple Row: the delicate and playful nature of these facades is a significant feature of the building, and they are compositions in their own right, offset with projections to respond to the interior spaces and entrances. Whilst the bays and mullions have a vertical emphasis, there is also a clear horizontality which speaks of the dynamic movement along the street, articulated through the coloured spandrel panels. Only the concertina form appears to have been considered important in this reworking, losing much of the variation and composition, and of material quality and detail. This removes much of the quality of the original building.
 - The canopies: these make and draw in the context of the department store, and whilst they and the ground floor façade are detailed in such a way to make this area quite dark, they are an important feature of the building and should be interpreted to maintain the overall composition. Their proposed removal alters the overall balance of the massing in the way that it meets the street, and diminishes the sophistication of this part of Corporation Street
 - Portland stone massing: retention of the main massing in Portland stone is welcome, and it is important that this is seen not only as the primary cladding but in relation to how openings are formed in it. The depth of reveal gives the impression of weight and contrast to the more playful elements of the building, so areas of punched windows (the slot windows to Cherry St) and curtain wall infill are important in balancing this. The detailing and composition of these elements should retain the existing pattern and detail, in particular to Cherry Street as this is another sculptural composition in its own right.
 - Roof top extension and void: the glazed façade bears little relation to the rest of the building and unless detailed to a high level risks value engineering which will significantly diminish the quality of the existing building. The character of the void, whilst understood as a requirement to unlock deep footprints, appears entirely at odds with the building, and the fact that it will be for office spaces only the proposed void would be quite a sterile space given it is only for daylight. It should in no way be a pastiche of the existing but some referencing of the material, spatial conditions of the existing should be considered as a minimum. The use of terracotta and irregular shaped

pavilions seems at odds with the Portland stone and steel vernacular of the main building.

- 4.10. Brutiful Birmingham - pleased that the owners wish to retain the building and have an interest in conserving the “glamour” of a previous time. However, they are concerned about:
- Changes to the design of the windows – the windows are the major feature of this design contributing to the fun and joyousness of the building. This is achieved by the concertina construction but also the horizontal draught board design of windows and coloured glass panels. Emphasis on the vertical panels only, will radically change the character and definition of the concertina design;
 - Four storey glass roof extension – concerned about the heavy and dominating glass roof extension visible on all elevations. This will dominate St Philips Square, overpowering the other buildings and taking away from the Cathedral. The size and mass alters the balance of the current building making it top heavy and losing its character of fun and lightness;
 - Roof line – With the four storey glass extension the roof line, that is now interestingly stepped with the higher 43 Temple Row and the tower on Temple Point creating space, will be lost;
 - The Canopies – these are an integral element of the 60’s design and are important to the design of the building as a department store as well as adding to the overall interest;
 - Shop fronts– concerned that there are a number of proposals for the “shop fronts” and are concerned about how these will be managed;
 - Cherry St Elevation – the current building incorporates a number of designs in the way that the smaller windows are arranged including the slit windows on Cherry St. The diversity and a symmetry of the designs add to the interest of the building. On Cherry St the asymmetry of the slit windows has been lost and the size of the windows increased resulting in a bland façade in contrast to the current modernist features on this side;
 - Interior features – there may be more internal features of interest that will be uncovered when building work begins and urge that these features are carefully evaluated and preserved. We are concerned therefore that there seemed to be no coherent plan to maintain the existing staircases that in themselves define the quality, glamour and style of the 50’s. To these features we would add that there are areas of travertine stone that also should be incorporated in the new design;
 - 43 Temple Row – It is not clear why the exterior has to be so altered resulting in a new design that is bland and adds nothing to the overall design of the complex or the Square.
- 4.11. Transport For West Midlands - West Midlands Metro currently operate trams adjacent to the proposed works on Corporation Street and Bull Street. Due to the location and proximity of the tram there may be potential of electrical transfer from the overhead wires. The overhead wires that are attached to the building may need to be isolated. Permits for working next to Metro may be required with the necessary approvals from West Midlands Metro, prior to works commencing.
- 4.12. Severn Trent Water – no objections subject to a condition to secure drainage plans for the disposal of foul and surface water flows.
- 4.13. West Midlands Fire Service - early liaison should be held in relation to fixed firefighting facilities, early fire suppression and access. Where fire mains are provided in the building there should be access to the riser inlet, for a pumping appliance to within 18 metres of each fire main inlet connection point, typically on

the face of the building and each inlet should be clearly visible from the appliance. Water supplies for firefighting should be in accordance with national guidance. The approval of Building Control will be required to Part B of the Building Regulations 2010.

4.14. West Midlands Police -

- Work should be carried out to Secured by Design standards
- Suitable CCTV, lighting and an alarm system, together with blast resistant glass should be installed;
- A suitable boundary treatment should be installed around the roof terrace to prevent falls of no lower than 2m in height and of a clear anti-climb design. Any furniture installed on the roof should be located so it cannot be used as a climbing aid to scale the boundary and secured in such a way that it cannot be moved to a location where it could act as a climbing aid;
- The provision of a manned security booth within the service yard for access control is a very positive step. The proposed refuse collection plan is well-thought out and should reduce the risk of off-site staff leaving the site insecure during the collection process;
- Further details of the intended security measures to the cycle stores should be provided. Other security measures, such as a hostile vehicle mitigation scheme, extra glazing treatment and fall protection, are supported;
- Although the building will have 24-hour manned security presence, the Design and Access Statement notes that *“it will be the occupiers’ responsibility to secure their own demise”*. This could create ambiguity around some aspects of security/management within the site;
- Although there is no parking the site is within a short distance from a significant number of well-established transport hubs and existing car parking facilities
- The location of the staff desk within the reception of the hotel is unclear and should be sited to allow staff to have a clear line of sight to the main entrance to the hotel, the entrance lobby area, the ground floor facilities and the access to the stairwell and lifts, and;
- The hotel will have 24 hour staffing, 365 days a year, which is supported

4.15. In addition, one letter of objection and one letter of support have been received:-

- Letter of objection - loss of the existing House of Fraser store will have a detrimental effect on other retail businesses within this area. A luxury smaller store over 3 or 4 floors, with offices on the upper levels, and a sky glass restaurant at the top, would make sure this part of the city survives as a retail destination.
- Letter of support – this is a fantastic idea and good progress in developing the area as a whole, how will the adjacent roads be affected during the development?

5. Policy Context

- 5.1. Birmingham Development Plan (BDP) 2017; Birmingham Unitary Development Plan 2005 (Saved Policies); Big City Plan; City Centre Retail Strategy; Snow Hill Masterplan; Colmore Row and Environs Conservation Area Management Plan; Car Parking Guidelines SPD; Lighting Places SPD; Access for people with Disability SPD; Places for all SPG and Revised National Planning Policy Framework (2019).

6. Planning Considerations

Principle of the Proposed Development

- 6.1. Given the site's location in the city centre, the uses proposed as part of this development (office, retail, leisure, hotel etc.), are all considered appropriate in principle. The adopted BDP is supportive of office, hotel, retail and leisure based developments in the city centre (policies GA1, TP21 and TP24) and this support is replicated at a national level within Sections 6 and 7 of the revised NPPF.
- 6.2. Furthermore, in response to current retail market trends, the diversification of the existing department store into a new mixed-use development is also supported in principle at both a national and local level. In particular, the Birmingham Retail Strategy confirms support for diversification of uses in the current struggling retail environment.
- 6.3. More specifically, the changing character of this part of the city means that the proposed uses are ideally suited to this location and provide a well-considered response to the surrounding context. The proposed office element responds to the close relationship the site has with the Colmore Business District, whilst the retail and leisure elements create active frontages along Corporation Street and Cherry Street which form an important part of the retail core. The introduction of a hotel creates further variety and diversity of uses, and supports Birmingham as a tourist destination.
- 6.4. To secure the proposed mix of uses a condition is attached to restrict the maximum floor areas for each use. This would help define the permission whilst retaining flexibility for the applicant.

Economic Benefits

- 6.5. The proposals will deliver a number of key benefits as summarised below:
- Securing the refurbishment and reuse of an important building, responding to the original design intent, whilst updating and modernising the building to suit 21st Century requirements.
 - A long term investment of £110 million into Birmingham City Centre acting as a catalyst for wider investment.
 - Creation of a new 'destination' for the city, with significantly improved active frontages to Temple Row, Cherry Street, and Corporation Street.
 - Provision of flexible Grade A office floorspace suitable for multi-nationals and start-ups.
 - Provision of flexible retail space better suited to current market requirements.
 - A new hotel to serve Birmingham City Centre which will deliver high quality accommodation prior to the 2022 Commonwealth Games.
 - Approximately 1,980 FTE jobs created during operation of the development.
 - Approximately 200 FTE additional jobs created during construction.
- 6.6. To maximise the benefits to the local economy a condition is attached as recommended by BCC Employment Access Team to secure local employment and training.

Sustainability / Energy

- 6.7. The application is supported by an Energy Statement, which sets out the proposed energy strategy and confirms the design of the building will deliver improvements beyond the minimum standards required. The development includes a range of sustainable design and construction features including reduced energy consumption

whereby CO2 emissions are reduced by 23.8% on average for all buildings below Building Regulations Part L (2016) to deliver a low carbon development.

- 6.8. Birmingham Development Plan Policy TP3 (Sustainable Construction), expects all new commercial developments to find innovative sustainable solutions and aim for a BREEAM “Excellent” score. As the development is made of three distinct uses: offices, retail and hotel, three BREEAM pre-assessments have been developed. The anticipated scores for each use are summarised below:
- “Fully Fitted” Hotel with 74.08% target performance for “Very Good” rating.
 - “Fully Fitted” Offices with 74.06% target performance for a minimum “Very Good” rating.
 - “Shell Only” Retail with 70.5% target performance for a minimum “Very Good” rating.
- 6.9. Although the development does not reach the BREEAM “Excellent”, given that the scheme is for re-use of an existing building, I consider that the proposed target performances are acceptable. In order that the development meets the expected BREEAM ratings a condition is attached.

Design

- 6.10. Rooftop Addition and Atrium – The scheme proposes a three storey rooftop extension to both 71 Corporation Street and 43 Temple Row. The scale of the proposed extension has been carefully considered within the context of the surrounding mixed character of the local area (i.e. the ‘transitional’ area between St Phillip’s Square and the varying roofscape and architectural forms of Corporation Street and further building blocks to the west). Whilst the design approach has sought to provide a cantilevered design to the roof top extension along Corporation Street, a more subservient design approach and form is proposed to the Cathedral Square frontage.
- 6.11. The applicants believe that only a bold intervention will successfully incorporate the new floors required and that expressing this as a lightweight independent form, rather than stepping back upper levels or blending them into the original building architecturally is the correct approach.
- 6.12. The rooftop extension and overall design approach to the development has been influenced by various factors including the necessity to change the use of the building in order to meet altered market demands (including the decline of department store formats nationally), the creation of a vibrant and viable mixed use scheme, and the applicant’s desire to retain the existing building but ‘reimagine’ and repurpose its uses to meet 21st century occupier requirements and bring the building back into viable and active occupation.
- 6.13. Given the size of the existing floorplates (purpose built for use as a department store) the suitability of existing commercial space within the building for most modern-day retail and even office tenant requirements is limited. In order to ensure that the building can be viably retained, modernisation and repurposing of the building is therefore essential, including the introduction of natural daylight. The proposed internal atrium will enable such light to be provided for future tenants of the proposed office floorspace and will create a striking and distinctive feature of the building in keeping with the dynamic mix of proposed uses at ground-floor, throughout the building, and at rooftop level. The creation of this atrium has substantially reduced the existing internal footprint of the building, thus requiring a suitable level of

replacement floorspace for commercial occupation to be provided atop the building in the form of three additional storeys. This floorspace is therefore a necessary commercial requirement of the scheme.

- 6.14. I note the concerns raised about the scale of the proposed rooftop addition but on balance, I consider that the proposed 3 storey rooftop is acceptable. In detail, the proposed materiality of the rooftop addition reflects the original building. The darker tones proposed for the glazing framework respond to the appearance of the existing windows, whilst the feature cantilever soffit and rooftop structures have a more striking copper colour to add visual interest. I consider that a cantilevered articulation to Corporation Street would be bold design statement and create new landmark building for building.
- 6.15. Cathedral Square - whilst, the south facing blocks around Cathedral Square have a consistent fenestration and shoulder height, the north facing side of the Square is much more irregular, as buildings push back and forth with a variety of styles responding to different eras. There is therefore a lack of consistency in style and height. The bulk and massing has been assessed against the St Philip's Cathedral, with the top balustrade set below the top height of its spire. The top floor of the House of Fraser building is then recessed to minimise its impact on the Square. I note that Historic England consider that the scheme does not offer any heritage benefits and that an alternative reduced scheme could better respond to the various heritage assets. However, although reducing the scale of the rooftop addition by one storey would have less of an impact, on balance, I consider that proposed new massing is acceptable in the Square and would not significantly overpower the Grade I listed Birmingham Cathedral or surrounding buildings.
- 6.16. In detail, the existing terrace at level six is emphasised by providing the seventh floor with a stone parapet to visually reinforce the gap between the new and existing. It also provides an additional amenity terrace. Above this level the elevational treatment of the façade has 3 glazed additional floors with a subtle curve to follow the main building. The mullion thickness to each floor then gradually reduces to give a lightness effect. I consider that the additional glass floors will minimize the perceived weight on top of the building. Furthermore, differentiating the new top from the original building gives clarity to the composition of the façade.
- 6.17. 43 Temple Row – at pre-application stage the applicant considered a number of design options, favouring a complete glazed façade. However, the Head of the City Design considered that the glazed façade option was unsuitable for its proposed hotel function, and setting of Cathedral Square. The City Council therefore asked the applicant to explore a cladding with a more solid materiality to better respond to the character of Cathedral Square.
- 6.18. A number of options were considered with the final option aimed at re-interpreting the rhythm and proportion of the House of Fraser “punched” window reveals and new build floors above, to visually tie the hotel back into the House of Fraser block. The uniform repetition of the stone façade with the hotel windows creates a building that doesn't overpower the House of Fraser building. The solid corner also offers a counterbalance to the fully glazed concertina window that is a key feature of the House of Fraser building. The proposed building would in my view be a handsome background building that would complement buildings around Cathedral Square.
- 6.19. Cherry Street Elevation – during the consultation concern has been raised about the way the Cherry Street elevation departs from the original design. The applicant has looked again at this elevation and has submitted a revised plan with smaller windows

to more closely follow the original intention and reintroduce the glazed band that currently existing between the stone plane on the corner and the solid façade.

- 6.20. Concertina Window – the application proposes to retain the concept of the concertina windows to both elevations but with larger format glazing panels to replace the old metal framing. The current proposals improve the thermal and solar performance of the building, and increase the amount of natural light into the building. The proposed design rationalises the framing and emphasises the verticality of the façade and further looks to strengthen the concertina effect by applying a subtle pattern to the glass. Consultation feedback has raised concerns that the design had over simplified the concertina design, and that a more even balance should be sought between verticality of the façade and ensuring that the horizontal banding is not lost.
- 6.21. The applicants have looked at alternative options that introduce solid spandrel panels at floor level and additional horizontal framing to replicate the effect of the existing façade. However, I concur with the applicant who believe that emphasising the vertically in the new curtain walling system, while still retaining the concertina feature is the best way of reinterpreting the building. There will inevitably be some horizontal framing incorporated in the elevation, also each floor slab behind the glazing will also be partially visible and could be concealed with a semi-transparent spandrel panel. A condition is therefore attached to secure further details of the concertina design.
- 6.22. Shopfront - further information has been submitted setting out a Shopfront Design Strategy. This comprises large glazed modern shopfronts with dark bronze framing. Above the shopfront would be a horizontal band of louvres to facilitate air intake. The louvres would match that of the glazing framing to ensure a coherent appearance between the various components of the shopfronts. Tennant signage would be behind the glazing of each shopfront bay with a projecting sign fixed to the pilaster (1 per unit). I consider that in principle the proposed shopfront strategy is acceptable and attach a condition to secure further details of the shopfront design.
- 6.23. Shop Front Canopy Removal – the current shopfronts are quite low in relation to the proportion of the elevation and are further dominated by the concrete canopies that frame the majority of the building's elevations. The applicant is therefore proposing to remove these canopies to allow the existing shopfronts to be enlarged to more modern standards, improving their visibility and creating a much more welcoming relationship with the surrounding streets. The removal of the canopies also removes the dark, uninviting environment. For these reasons, I consider that there is little benefit in retaining the canopies and have no objections to their removal.
- 6.24. Access and Entrances - Active uses are proposed at the street level along Temple Row, Cherry Street, Corporation Street and in the North Western Arcade. As part of the building's refurbishment, the ability to walk through the building from Corporation Street to Temple Row and vice versa will be maintained. The entrances enabling passage through the building would be differentiated from the retail entrance through the use of signage, altering material colours around the entrance and lighting. Further detail on entrance legibility will be secured via the shopfront detail condition.
- 6.25. Permeability through the building is achieved, with access from Temple Row through to Corporation Street and Cherry Street. Access is provided into the building at the ground floor level of Temple Row using the stairs/ elevators to access the Ground floor whereby access and egress is provided to both Cherry Street and Corporation Street, replicating the existing level of public access and movement through the building. A condition to ensure public permeability through the building during normal opening hours is attached.

- 6.26. Interior Alterations – as the building is not statutorily listed consent is not required for the internal alterations. However, the applicant has indicated that they are intending to retain as much as possible of the relevant and valuable interior e.g. the murals. It is also the applicants intention that the departments store's original curved staircases are retained and refurbished for use within the new scheme.
- 6.27. I note the concerns raised and although the applicant is not willing to reduce the scale of the roof top addition, I consider that on balance the proposed design interventions are acceptable. Further information has been submitted about the concertina window and shopfronts. I therefore consider that the application is acceptable subject to safeguarding conditions to ensure the scheme is well detailed.

Impact on Heritage Assets

- 6.28. Historic England are concerned about the scale, massing and design approach of the proposed 3-4 storey roof extension and its impact on both the conservation area and the setting of the Grade I listed St Philip's Cathedral.
- 6.29. The site does not contain any statutorily listed or locally listed buildings. It is partly situated within the Colmore Row and Environs Conservation Area and the Steelhouse, City Centre Conservation Area is situated approximately 200m to the north east. The site has frontages to Temple Row/Cathedral Square and Corporation Street. These areas developed during different periods and have distinct characters.
- 6.30. There are a number of listed buildings proximate to the site, including the Grade I listed Cathedral Church of St Philip, which have the potential to be affected by the proposed development as a result of change within their setting. The Former Bank of England, a locally listed building, is a late 20th century commercial building situated adjacent to the site on Cherry Street and Temple Row.
- 6.31. In determining applications for planning permission Local Planning Authorities have statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the special interest and setting of listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.32. At a local level policy TP12 of the Birmingham Development Plan advises that the historic environment will be valued, protected, enhanced and managed for its contribution to character, local distinctiveness and sustainability. Furthermore, the Council will seek to manage new development in ways which will make a positive contribution to its character.
- 6.33. Colmore Row and Environs Conservation Area Character Appraisal and Supplementary Planning Policies set out more detailed guidance. It states that the Council will expect all new development to achieve a satisfactory visual relationship with its historic surroundings, demonstrating a regard for the character of the immediate street scene and the wider conservation area. Permission for new development will only be granted where it preserves or enhances the character of the conservation area as a whole. It adds that new buildings must not appear to be significantly higher or lower than their neighbours and roof forms and rooflines of new buildings must complement the roof forms and rooflines of the adjoining and/or surrounding buildings, preserving or, where appropriate, enhancing vertical emphasis.

- 6.34. Cathedral Square is situated to the north west of the site with the early 18th century Cathedral Church of St Philip at its centre surrounded by its churchyard and enclosed by later 19th to 21st century buildings. 71 Corporation Street and 43 Temple Row form part of a group of modern commercial buildings along the south and east of Cathedral Square. Though greater in scale, height and mass than the 19th century development on the opposite side of the Square (Colmore Row and Temple Row West), they provide a relatively neutral backdrop by virtue of their neutral palette of materials, simple forms and balance of horizontal and vertical proportions.
- 6.35. The site sits at a point along Corporation Street where there is an abrupt change between the 19th century development of the conservation area, and the greater height, scale and massing of mid- to late- 20th century development outside the Conservation Area. Due to its age, height, large scale and materiality, the Department Store is more similar to the Square Shopping Centre and the Lewis' building outside the conservation area than the fine-grained 19th century architecture to the south of the street.
- 6.36. The site is considered to make a minor contribution to the character and appearance (significance) of the Colmore Row and Environs Conservation Area attributable to the enclosure it provides to Cathedral Square and contribution it makes to the conservation area's varied commercial architecture. Although the site provides definition to Cathedral Square and views along Corporation Street towards the site, it does not contribute to the significance of the Cathedral Church of St Philip, or other nearby listed buildings.
- 6.37. Whilst the extension and alteration of 71 Corporation Street and 43 Temple Row will introduce contemporary elements to the buildings; their general appearance as large-scale, modern commercial buildings will not change. The simple form, materiality and colour palette of the proposed development is consistent with the existing character of the group of modern buildings of which the site forms part. Along Corporation Street, the site will continue to mark an abrupt contrast between the 19th century development of the Colmore Row and Environs Conservation Area, and will be viewed alongside the existing height, scale and massing of mid- to late- 20th century development of the wider city centre context in which the Colmore Row and Environs, the Steelhouse, City Centre Conservation Area and the listed buildings within them are situated.
- 6.38. I note the concerns of Historic England about the scale, massing and design approach of the proposed 3-4 storey roof extension and its impact on both the conservation area and the setting of the Grade I listed St Philip's Cathedral. However, as detailed above, the scheme would deliver significant economic benefits for the City. It would also bring forward a new use for this key City Centre site, which could otherwise remain underused. In this instance, I therefore am of the view that the public benefits outweigh the less than substantial harm to the conservation area and setting of the St Philip's Cathedral.

Ventilation Strategy

- 6.39. BCC Regulatory Services have commented that they would not support low level discharge of cooking fumes to the ground floor restaurants and that permission should not be given until the applicant can demonstrate that the kitchen extracts from these units can discharge at an appropriate level to allow fumes and odour to disperse. In response the applicant has submitted a revised Flue and Ventilation Strategy, which confirms that all kitchen, bathroom and dish washer extracts will be routed through the building and discharged at roof level. The Strategy sets out the

mechanical supply and extract ventilation system that will be provided for each part of the building based on the uses proposed, and any associated flue requirements. BCC Regulatory Services have been re-consulted and have raised no objections. I consider that the revised Flue and Ventilation Strategy is acceptable and attach a condition to secure further details.

Noise Implications

- 6.40. BCC Regulatory Services have requested that the noise mitigation measures set out in the Noise Assessment are reflected on the elevational plans submitted as part of the application, however, the final glazing and façade specification is unknown at this stage. A condition is therefore attached requiring details of the specification of the facade to be submitted for approval.
- 6.41. In addition to noise mitigation for users of the future development, BCC Regulatory Services have recommended a condition restricting the use of external amplification equipment on or in any part of the development. Accordingly, a condition to this effect is attached.

Transportation Issues

- 6.42. The proposed development is located in a highly sustainable location with regard to sustainable transport methods. It is close to New Street and Snow Hill railway stations, and within close proximity of a number of bus stops and a metro stop. On this basis, no car parking is proposed as part of the development. However, the proposed development would provide 233 cycle spaces, together with associated facilities, which would be consistent with BCC Parking Guidelines,
- 6.43. BCC Transportation Development have requested confirmation of the extent of any existing highway land which will need to be 'stopped up' as a result of the proposed development. They are also awaiting comments from the Transport Management Services team in response to proposed amendments to the existing TRO on Temple Row, to allow a taxi drop off facility on the corner of Temple Row and Cherry Street.
- 6.44. The agent has clarified that alterations to the existing building line of 71 Corporation Street are proposed as part of the redevelopment of the building. The plans confirm that the new building line extends 600mm from the current building line in some locations. The remaining footway width would still be sufficient and I therefore have no objections. Accordingly, a resolution is attached to authorise a Stopping Up Order under section 247.
- 6.45. The proposed development will broadly be serviced using the existing arrangements already in place, via the internal service yard accessed from Temple Row. As set out in the Transport Statement, it is proposed that taxis will be able to pick up and drop off on Temple Row, outside the hotel lobby entrance. Temple Row, from its junction with Cherry Street to Bull Street, is currently designated as a pedestrian zone except for access to off-street areas and for loading with no waiting at any time. The existing Traffic Regulation Order will therefore need to be amended to facilitate the proposed taxi drop-off facility. It is anticipated that the taxis would utilise Temple Row as a one way route with an exit onto Bull Street where taxis will be required to turn left. As recommended by BCC Transportation Development conditions are attached to secure a detailed delivery and taxi management plan, the provision of cycle facilities and a construction management plan.

- 6.46. The comments from Transport for the West Midlands about the need for permits for working next to the Metro have been forwarded to the applicant for their information.

Safety and Security

- 6.47. As requested by West Midlands Police conditions are attached to seek further details in relation to lighting and CCTV. The Design and Access Statement also refers to other potential physical security measures such as street bollards, but the precise nature of any security measures are unknown at this stage. I am concerned about the impact street bollards could have on the character of the Conservation Area and therefore suggest a condition requiring a security strategy for the proposed development, as well as any specific security measures for each future occupier.
- 6.48. In relation to the proposed roof terrace, West Midlands Police have requested that the barrier be no lower than 2.0m in height and of an anti-climb design. They have also recommended that roof furniture is designed and located appropriately to ensure that it cannot be used as a climbing aid. Building regulations prescribe 1.1m balustrades for tall buildings and barriers in excess of that height are advisable only where required for comfort, wind protection and visual protection perception. A balustrade of 1.3m is proposed for the roof terrace, which I consider would provide adequate safety and be of an appropriate design.

7. Conclusion

- 7.1. Overall it is considered that the principle of the proposed development fully accords with both local and national policy. The proposed uses are acceptable in principle in the city centre and the development represents sustainable reuse of an existing building. The introduction of flexible new uses, which complement the surrounding context, will ensure the longevity of the scheme and create activity and vibrancy within the city core.
- 7.2. I note the concerns raised about design and impact on heritage assets. However, the applicant is not willing to reduce the scale of the roof top addition and on balance I consider that the proposed design interventions are acceptable. The proposed development will deliver a number of significant benefits and, subject to safeguarding conditions, will not result in any significant adverse impacts. It is therefore considered that the benefits of the scheme outweigh concerns about the design and heritage implications of the scheme.
- 7.3. The proposed development does not attract a CIL contribution. The new floors that are being constructed in 43 Temple Street and are being used for hotel space – would normally be chargeable; but as the buildings form one planning application, CIL is calculated based on all the floorspace in its entirety of the scheme.

8. Recommendation

- 8.1. Approve subject to safeguarding conditions.
- 8.2. That no objection be raised to the stopping-up of parts of Temple Row and Corporation Street and that the Department for Transport (DFT) be requested to make an Order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1	Limits the maximum gross floorspace of the unit
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- 2 Requires a Signage Strategy for the Building
 - 3 Requires the window not to be obscured
 - 4 Limits the hours of use
 - 5 Requires the prior submission of a drainage scheme
 - 6 Requires the submission prior to occupation of the building of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan
 - 7 Requires the submission of extraction and odour control details
 - 8 Limits the noise levels for Plant and Machinery
 - 9 Prevents the use of amplification equipment
 - 10 Requires the scheme to be in accordance with the façade specification
 - 11 Requires the submission of a lighting scheme
 - 12 Requires the prior submission of a construction method statement/management plan
 - 13 Requires the prior submission of a construction employment plan
 - 14 Requires the prior submission of an operational employment plan
 - 15 Requires the submission of sample materials
 - 16 Requires the submission of a CCTV scheme
 - 17 Requires the details of safety and security measures
 - 18 Requires the submission of cycle storage details
 - 19 Requires the submission of details of a delivery vehicle management scheme
 - 20 Requires the submission of details of a taxi management scheme
 - 21 Requires the submission and completion of works for the S278/TRO Agreement
 - 22 Requires a pedestrian route through the building between Temple Row and Corporation Street
 - 23 Requires Submission of BREEAM pre-assessment report / design stage certificate
 - 24 Requires the submission of architectural details
 - 25 Requires the scheme to be in accordance with the listed approved plans
 - 26 Implement within 3 years (Full)
-

Case Officer: David Wells

Photo(s)



View from Cathedral Square

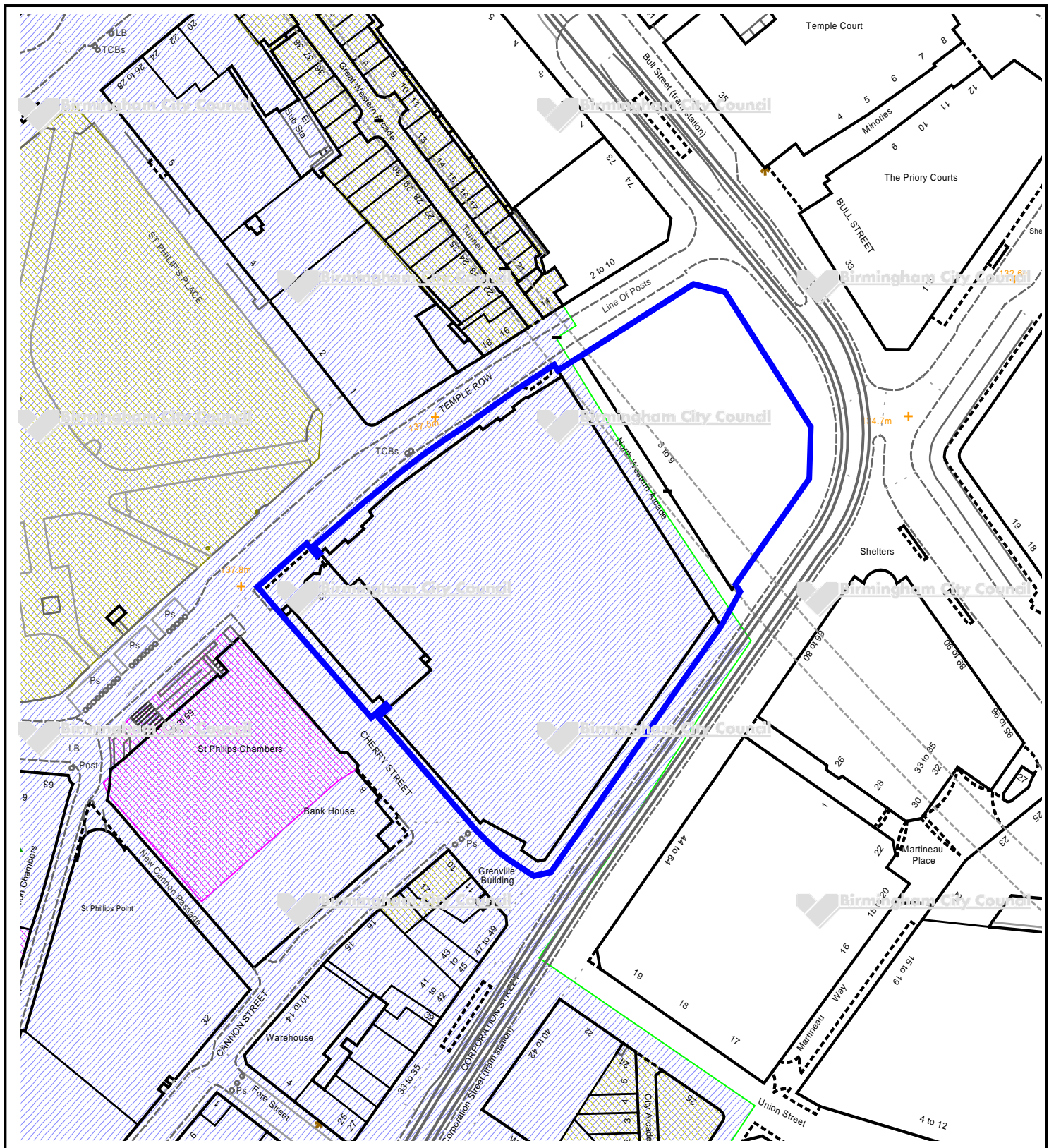


View along Corporation Street toward New Street Station



View along Corporation Street toward Central Methodist Hall

Location Plan



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Birmingham City Council

Planning Committee

19 December 2019

I submit for your consideration the attached reports for the **South** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Conditions	21	2019/06433/PA 219 Lindsworth Road Kings Norton Birmingham B30 3SD Erection of two storey side and rear, single storey side extensions, erection of single storey detached outbuilding to rear and formation of hardstanding to front.
Approve – Conditions	22	2019/02618/PA Plots 4 and 7 Former Pebble Mill Site Mill Pool Way Edgbaston Birmingham B5 7SL The construction of a new medical facility of up to 10,600m2 for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with ancillary works, landscaping, new access from Mill Pool Way and on and off plot car parking with widened vehicular access from A38 Bristol Road to enter the site and exit onto Eastern Road
Defer – Informal Approval	23	2019/08129/PA Land bounded by High Street/Findlay Road and Highbury Park Kings Heath Birmingham B14 Construction of new railway station including two platforms, elevated forecourt connected via footbridge from Highbury Park, installation of lift and staircase and other associated works

Determine	24	<p>2019/06938/PA</p> <p>Ashley House 1143 Stratford Road Hall Green Birmingham B28 8AU</p> <p>Change of use from office (Use Class B1) to a 10 bedroom House in Multiple Occupation (HMO) (Sui Generis) with associated car parking to rear</p>
Approve – Conditions	25	<p>2019/05184/PA</p> <p>61 Kitchener Road Selly Oak Birmingham B29 7QE</p> <p>Change of use from dwellinghouse (Use Class C3) to a 3 bedroom House in Multiple Occupation (HMO) (Use Class C4)</p>
Approve – Conditions	26	<p>2019/07789/PA</p> <p>77 Etwall Road Hall Green Birmingham B28 0LF</p> <p>Change of use from residential dwelling (Use class C3) into 8-bed HMO (Sui Generis).</p>

Committee Date:	19/12/2019	Application Number:	2019/06433/PA
Accepted:	02/09/2019	Application Type:	Householder
Target Date:	28/10/2019		
Ward:	Druids Heath & Monyhull		

219 Lindsworth Road, Kings Norton, Birmingham, B30 3SD

Erection of two storey side and rear, single storey side extensions, erection of single storey detached outbuilding to rear and formation of hardstanding to front.

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning permission is sought for the erection of two storey side and rear and single storey side extensions, the erection of a single storey detached outbuilding to the rear and formation of hardstanding to the front.
- 1.2. This application follows two previous applications in 2018: a planning application (2018/02892/PA) for the erection of single and two storey rear, two storey side and single storey front extensions, single storey detached outbuilding to rear and formation of hardstanding, and a lawful development certificate (2018/02891/PA) for the proposed erection of a single storey rear extension, installation of a hip-to-gable roof extension, rear dormer window and roof lights to front.
- 1.3. The hip-to-gable roof alterations and rear dormer window proposed under the lawful development certificate have been implemented. Therefore, it is not possible for the proposed two storey side extension to be completed in accordance with the approved plans, due to the roof alterations that have taken place. As such, this application has been submitted to incorporate the permitted development works into the proposed two storey side and rear extension, and regularise the development.
- 1.4. The hip-to-gable roof alterations and rear dormer window are not matters for consideration as part of the assessment of this application, as they have been determined as being permitted development, through the lawful development certificate in 2018. The only matters for consideration within this application are therefore the two storey side and rear and single storey side extensions, outbuilding to rear and hardstanding to front.
- 1.5. At ground floor level, the proposal would extend 2.8m to the rear, the same depth as the single storey rear extension under construction and would be flush with the front elevation. At first floor, the extension would be set back 3.3m from the front elevation and would extend 2.3m from the rear elevation, on the half of the property adjacent to No. 221. The proposal would have a hipped roof design.
- 1.6. The single storey outbuilding to the rear would measure 5m in width, 4m in depth, 2.6m to the eaves and 3.5m to the pitch of the roof. The outbuilding would be

positioned 1.4m from both side boundaries and the rear boundary with Nos. 10 and 12 Southwold Avenue.

1.7. [Link to Documents](#)

2. [Site & Surroundings](#)

- 2.1. The application site relates to a traditional semi-detached property located on the Lindsworth Estate. The property has a prominent double height bay window on the front elevation which is a distinctive characteristic within the street scene. A small driveway and garden set the property back from the highway, and there is a low level brick wall to the front. Upon visiting the site on 2nd October 2019, building materials were being stored on the front garden area.
- 2.2. The property originally had a hipped roof design like most properties within this area, however the hip-to-gable roof alterations and rear dormer confirmed as permitted development through the lawful development certificate have been carried out, meaning the property now has a gable-end roof design. At the site visit, there was a support beam projecting from the side elevation of the dormer window and works had commenced on the single storey rear extension. The extensions and alterations carried out still require further work to be fully completed and habitable.
- 2.3. The large garden to the rear, bounded by fencing and vegetation, is overgrown and contains debris and waste. There are trees to the rear and sheds and outbuildings are visible within the curtilage of other properties.
- 2.4. Neighbouring property No. 217 has a modest single storey extension to the rear, whilst No. 221 has a two storey side and rear extension adjacent to the boundary with the application site. The side element of this extension is set back from the front elevation and serves a habitable room, with a window to the rear also serving this room.

2.5. [Site Location](#)

3. [Planning History](#)

- 3.1. 02/07/2018 - 2018/02891/PA - Application for a Lawful Development Certificate for the proposed erection of a single storey rear extension and installation of a hip to gable roof extension, rear dormer window and roof lights to front - determined and Section 191 (existing) or Section 192 (proposed) permission is not required and therefore a certificate was issued.
- 3.2. 02/07/2018 - 2018/02892/PA - Erection of single and two storey rear, two storey side and single storey front extensions, single storey detached outbuilding to rear and formation of hardstanding - Approved subject to conditions.
- 3.3. 2018/1282/ENF - Enforcement case to check works are in accordance with approved plans attached to 2018/02891/PA & 2018/02892/PA - Under Investigation.

4. [Consultation/PP Responses](#)

- 4.1. Transportation Development – No objection subject to conditions.

- 4.2. Severn Trent Water – No objection; informative note provided about public sewer located within the site.
- 4.3. Neighbouring residents and local Ward Councillors have been consulted. Full re-consultation was carried out after the application was put on hold and re-validated.
- 4.4. Steve McCabe MP:
- Concerns about the way the planning application has been handled by BCC
 - Application not sufficiently advertised locally
 - Errors in building layout and the requirement for trees to be felled not stated on the application form.
 - Concerns that the proposal is not being built in accordance with approved plans and 45 Degree Code.
 - Enforcement process concerns.
 - Unfinished site with building materials left around.
- 4.5. Cllr Julien Pritchard:
- Development is out of keeping with neighbouring properties, it is larger and looks different to most in the vicinity.
 - Retrospective application which is a hybrid of two previous applications which have been deviated from. The Planning Department tell developers to submit retrospective applications to regularise developments, rather than make changes, due to the lack of resources within the department. This is not a good reason and it should be on the merits of the case.
 - Encroachment issues.
 - Loss of light.
 - Potential HMO use – additional cars and traffic on a street that is already struggling with parking. Even if the house is not used as a HMO, more rooms could mean more residents, therefore more cars.
 - Many residents are against the application.
- 4.6. 21 letters of objection have been received on the following grounds:
- Visual Amenity:
 - Terracing effect; not in keeping; out of character; over intensive development; highly visible; intrusive; inappropriate design; imbalance in street scene; bulky.
 - Loft conversion – would make it a 3 storey house; too large to be classed as a dormer window; obtrusive and unsympathetic; no others in street scene.
 - Residential Amenity:
 - Loss of privacy; loss of light; overlooking; intrusive; impact on both properties and gardens.
 - Parking, transportation and driveway:
 - Existing parking issues worsened; increased parking demand and congestion; close to a junction; impact on bus route; large vehicles struggle to manoeuvre; service area for shops on Lindsworth Approach compromised.
 - Driveway – possible to maintain some garden and create parking space; grass verge is shared amenity and shouldn't be lost; would absorb water but reflect heat; impact on drainage; loss of fertile layer of topsoil.

- Garden and outbuilding:
 - Fears outbuilding would become another dwelling/used for accommodation – previous incidental condition is noted but how would this be monitored and for how long?; a permanent structure with utilities, most gardens just have a shed; noise and disturbance; unnecessary to have a gym and bathroom in the garden.
 - Overgrown garden with broken fences; dumped rubbish; could attract rats; open and accessible; loss of green space and trees; should be required to plant more trees in mitigation; loss of wildlife and biodiversity.
- Enforcement case:
 - Planning permission and lawful development certificate cannot both be constructed as it would be unlawful; works not in accordance with plans.
 - Not right to carry out works without consent then apply for consent retrospectively; owner has cherry picked elements from the two applications to build.
 - Decision to normalise works to date with planning application wrong and unfair; more enforcement could have been done whilst works in their infancy.
 - Confusion with enforcement case and re-submitted application.
 - No formal response to enforcement complaint.
- Issues with previous officer report
 - Site described as being within Druids Heath, but historically the area is the Lindsworth Estate.
 - Garden is not 'large'.
- Issues with the application
 - Plans are not correct; don't accurately represent the site; shouldn't be used for consultation; misleading.
 - Application form says no trees or hedges would be removed, but trees have already been removed.
 - What is built on site is not permitted development or lawful.
 - Design not achievable.
- HMO concerns
 - Concerns the property would be let to multiple people; would be alien to the families on the estate; potential overcrowding of the property and site; not in keeping with this area; maximum bedrooms not stated.
- Neighbour disputes, maintenance and construction issues
 - No regard for neighbours and community; works have been going on a long period of time, hope for completion; party wall issues; building regulations concerns; poorly constructed; asbestos not being disposed of in the correct way.
 - Bricks and building materials left outside; mess and rubbish at the property for over a year; garden attracted vermin; pigeons going into property; trench has been dug.
 - Request that controlled hours are put in place to restrict works; for consideration to be given to construction vehicles, staff access and parking arrangements without causing highways issues.
- Human Rights
 - The council must consider their responsibilities under the Human Rights Act, Protocol 1, Article 1 - a person has the right to peaceful enjoyment of their possessions, including home and land.
 - Proposal would have a dominating impact on neighbours and their right to enjoy their property. Article 8 states that a person has the right to respect of their private and family life.
- Concerns and belief that public consultation was not carried out correctly.

- Impact on utilities; water pressure issues; demand on services; garages sometimes flood; drainage and rainwater concerns; no public access to foul drainage system.
- Agent previously worked as a BCC Planning Officer - not declared as potential conflict of interest.
- Contrary to planning policy – BDP, UDP and NPPF.

4.7. 2 comments have been received on the following grounds:

- Not in keeping with or representative of other properties; conflict to the estate.
- Materials left on grass verge.
- Health and safety.
 - Property is unoccupied and unattended; children have been seen entering the site; reports have been made to 'fix my street' and Birmingham City Council; gaps in the building.
- Public consultation
 - Not properly advertised; no site notice on lamp post; no notification of an increase in storey and side extension; neighbours not notified.
- Parking compromised and the bus route hindered; would be hard to maintain with proposed occupancy levels; adverse impact on local area and amenities.
- Garden not maintained; fence panels broken; security concerns.
- Proposal is causing stress and upset to neighbours.

4.8. 1 letter of support has been received on the following ground:

- The property needs to get back into a habitable condition – it's been 10 years since last occupied and urgently needs renovation to be habitable.

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)
- Birmingham Unitary Development Plan (UDP) Saved Policies
- Places for Living SPG
- Extending Your Home
- 45 Degree Code

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies set out above. The main issues for consideration in the determination of this application are the impact on residential amenity, visual amenity, drainage, highway safety and parking arrangements.

Residential and visual amenity

6.2. The footprint of the ground floor and first floor extension proposed is the same as that approved in the previous application in 2018; however the single storey front extension incorporated into the bay window has been omitted. Therefore, as with the

previous application, the proposal would comply with the 45 Degree Code and the numerical guidelines contained within 'Places for Living' and 'Extending your Home' and I consider that there would be no adverse impact on the residential amenity of neighbouring occupiers by virtue of overlooking or loss of light or outlook. The 45 Degree Code and numerical guidelines are applied to habitable room windows only, and not to windows serving, for example, bathrooms, stairs, hallways and landings.

- 6.3. The reason for the submission of this application predominantly relates to the roof extension that has taken place, and therefore the inability for the two storey side extension to be implemented in accordance with the previously approved plans.
- 6.4. The Design Guide 'Extending your Home' states that extensions to the side of a property can have a significant effect on the street scene. The loss of the gap between detached or semi-detached homes can create the impression of a continuous frontage, called the terracing effect. Generally, side extensions should be designed to look less important than the existing building and the pitch of the new roof should match those on the existing property.
- 6.5. The original hipped roof was extended into a gable-end roof design with a large dormer window to the rear. These works were carried out under permitted development, as confirmed in the lawful development certificate (2018/02891/PA). I note the concerns and objections raised about the loft extension by neighbours, however despite not being in accordance with the guidance contained within 'Extending your Home', the hip-to-gable roof alterations and dormer window are not matters for consideration within this application, as they are permitted development.
- 6.6. To ensure compliance with the 45 Degree Code, the first floor element of the side extension is set back from the front elevation by 3.3m, which would also ensure the proposal is sufficiently subservient to the main property. The side extension would have a hipped roof design. Whilst this would not be in keeping with the current gable-end roof design, I consider that as the roof would pitch away from the neighbouring property No. 221, which has a gable-end design on the side extension, it would increase the separation between the two properties, preventing the appearance of a continuous frontage and reduce the terracing effect between the two. It would also reduce the over scale and mass of the extension. The removal of the single storey forward extension that would have been incorporated into the bay window is a welcome amendment. The removal or reduction of this was sought on the previous application however amendments were not forthcoming.
- 6.7. On balance, I therefore consider that the scale, mass and design of the extension are acceptable, would have an acceptable impact on the street scene and existing property and comply with the objectives of the design guide 'Extending your Home'.
- 6.8. The agent was asked to clarify the guttering arrangement on the side elevation of the extension adjacent to No. 221, to ensure there were no encroachment issues. An amended plan was provided with an enlarged gutter detail, showing no overhang.
- 6.9. The outbuilding to the rear of the garden would measure the same as that approved in 2018: 3.5m to the highest point and set away from the boundaries by 1.3m. This outbuilding was granted consent in the previous application and there are no grounds on which to now refuse this element of the proposal. Conditions are recommended for the rear facing window to be obscurely glazed and top-hung opening only to prevent overlooking, and for the outbuilding to be incidental to the primary use of the premises as a dwellinghouse, as were attached previously. These

conditions would apply to the lifetime of the outbuilding, or until consent is sought for their removal. It must also be noted that an outbuilding could be built under permitted development, subject to complying with the GPDO.

- 6.10. I acknowledge the concerns raised relating to trees being felled in the garden to make allowances for the outbuilding, and about the loss of wildlife and ecosystems. The application has been discussed with the City's Ecologist who does not consider there would be any ecological or biodiversity issues associated with the application. I must also note that none of the trees to the rear of the site are protected by tree preservation orders (TPOs).
- 6.11. I note the concerns raised about the inaccuracies on the plans, notably the 45 Degree Code plotting and position of rooms. The application has been assessed and the 45 Degree Code calculated following the site visit to establish where windows are located. The applicant is also not required to provide plans or elevations of neighbouring properties as part of the application; therefore I consider that the plans are satisfactory.

Transportation, highways and parking

- 6.12. Permeable block paving is proposed to the front of the site to create a larger driveway, like the previous application. The concerns raised from neighbouring residents relating to parking and highways issues are noted, and given the level of objections, Transportation Development have been consulted to establish whether the proposal would impact on highway safety or parking matters. No objection has been raised, subject to the footway crossing being extended to City specification at the applicant's expense and for the surface to be permeable, in accordance with the requirements of Schedule 2, Part 1, Class F of GPDO (hard surfaces incidental to the enjoyment of a dwellinghouse). The applicant's agent has stated that they do not consider these conditions necessary and do not expect them to be attached to the application. Whilst I consider that the footway crossing would be a matter for Transportation, as Lindsworth Road is not a classified road, I consider it appropriate to recommend the condition requiring the driveway to be permeable is attached, to alleviate any potential flooding and drainage issues and to secure the satisfactory development of the application site.
- 6.13. Transportation Development have noted the objections made on transportation grounds, which they consider largely relate to existing issues including on street parking problems and manoeuvring difficulties for larger vehicles, along with the view that the extended property would worsen the existing situation. They note that the widened frontage would allow for at least 2 cars, on-street parking is unrestricted here and regular buses serve this location throughout the day.
- 6.14. Overall, Transportation Development consider that the proposal and one additional bedroom wouldn't have a notable impact upon traffic and parking demand at this location, and note that the works would increase the off street parking provision at the property. I concur with this view and do not consider that the proposal would have a detrimental impact on highway safety, the free flow of traffic or parking matters.

Drainage

- 6.15. Severn Trent Water have been consulted following the comments raised relating to drainage and after the site visit. They have responded stating that as the proposal has minimal impact on the public sewerage system, there are no objections to the

proposal and no drainage conditions are required. They have advised that there is a public sewer located within the site, which has statutory protection and may not be built close to, directly over or be diverted without consent, and advise that the applicant contact them to discuss the proposal. They note there is no guarantee that it would be possible to build over or close to any STW sewers. The agent has been advised of their comments and acknowledged the comments. I therefore consider that the proposal would not impact on local drainage.

Other matters

- 6.16. I acknowledge the concerns raised about the enforcement case at the site, which is still under investigation. This is a separate system which does not impact upon the assessment of this application.
- 6.17. Public consultation responses have mentioned a previously refused application at the site. I must make clear that there has not been a recently refused planning application at No. 219 Lindsworth Road. A series of amended plans were received on the 2018 application to ensure it was policy compliant; however a refusal was never issued.
- 6.18. Regarding public consultation, consultation letters were sent to all owner/occupiers of properties with an adjoining boundary, in accordance with the City's Registration Manual. The application was put on hold following validation as the application fee had not been paid. When the application was re-registered all neighbours and Ward Councillors were re-consulted for a further 21 days. A site notice is not required for householder applications and the roof alterations were not advertised as they are permitted development, and do not form part of the assessment of this application. Statutory consultation was carried out correctly.
- 6.19. Responses raise concerns that the property could be turned into a house of multiple occupation (HMO). Whilst this has not formed part of the application, family dwellinghouses (Use Class C3) can change to a small HMO for up to 6 people (Use Class C4) under permitted development and therefore wouldn't require planning permission. Planning permission would be required for a HMO of 7 or more people.
- 6.20. Neighbour disputes, garden and property maintenance, health and safety, party wall issues, building regulations, material storage and construction issues are not planning considerations and do not form part of the assessment of this application.

7. Conclusion

- 7.1. This application has been assessed against the policies outlined above. As discussed, the hip-to-gable roof alterations and dormer window are permitted development and do not form part of the assessment of this application. The works for which consent is sought comply with the policies outlined above, and would not have a detrimental impact on residential or visual amenity, wildlife, trees and ecology, the public highway and parking or drainage. The footprint of the proposal is almost identical to that approved in 2018, and I see no sustainable grounds on which to recommend refusal. It is therefore recommended that planning permission is approved, subject to the conditions outlined below.

8. Recommendation

8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires that the materials used match the main building |
| 3 | Requires obscure glazing for specific areas of the approved outbuilding. |
| 4 | Requires that the approved scheme is incidental to the main use |
| 5 | Requires the surface of the driveway to be permeable |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Caroline Featherston

Photo(s)



Photo 1 – Front



Photo 2 – Side



Photo 3 – Rear

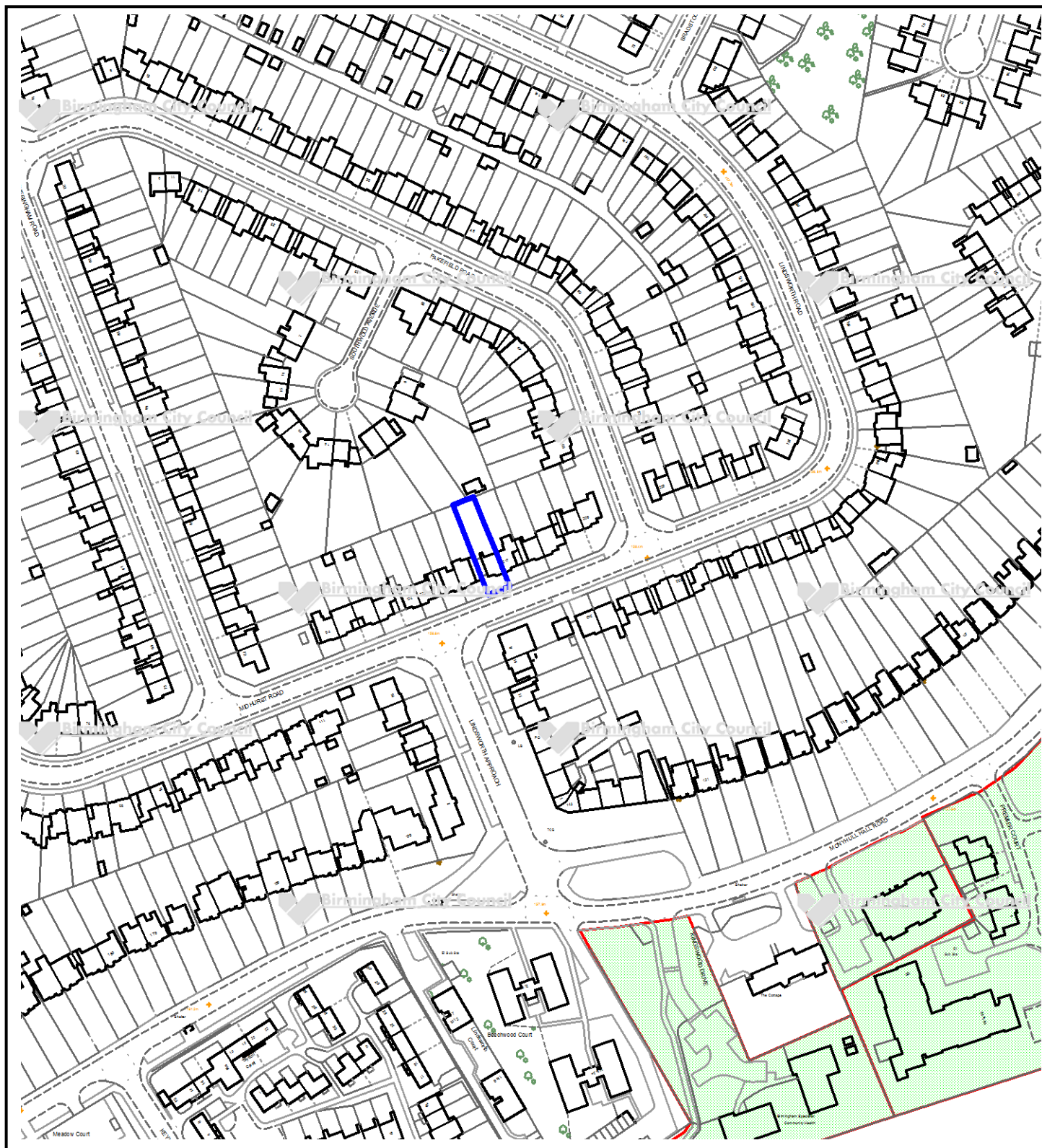


Photo 4 – Rear and No. 221



Photo 5 – Garden

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/02618/PA
Accepted:	27/03/2019	Application Type:	Full Planning
Target Date:	20/12/2019		
Ward:	Edgbaston		

Plots 4 and 7, Former Pebble Mill Site, Mill Pool Way, Edgbaston, Birmingham, B5 7SL

The construction of a new medical facility of up to 10,600m² for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with ancillary works, landscaping, new access from Mill Pool Way and on and off plot car parking with widened vehicular access from A38 Bristol Road to enter the site and exit onto Eastern Road

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Outline planning permission has previously been granted by your Committee for the erection of a building of up to 9,000sq.m for medical uses comprising B1(b) Research and Development and/or C2 Hospital and/or D1 Non-Residential Institution at the site known as Plot 4, which lies towards the centre of the wider site, to the east side (Pebble Mill Road side) of the Dental Hospital and School of Dentistry.
- 1.2. The previous approval granted consent for buildings on Plot 4 up to 8 storeys in 2018. It is proposed that up to 10,600sq.m of accommodation would be located in a single block comprising one level of car parking in the basement, above which would be five storeys of accommodation and an additional plant area on the roof that would extend 3m above the proposed roof level. The proposed building would have a gross external floor area of 2400sq.m at ground floor which would reduce incrementally upwards throughout the building to 1152sq.m on the fifth floor. The building would measure approximately 58m in depth, 46m in width and 24m in height (the plant room on the roof would have an additional height of approximately 3m).
- 1.3. The building would be centrally located within the plot facing the internal estate road (Mill Pool Way), providing sufficient space to the east and west to allow light to adjacent buildings along with access for car parking and deliveries. The proposed development's scale and massing would link the building heights of the other developments together.



- 1.4. The building would comprise three floors for a cancer treatment centre (ground, first and second), an oral theatre suite on the third floor (replacing the existing temporary theatre suite in the car park of the adjacent Dental Hospital) and a floor of internal plant on the fourth floor. The building would have two lift and stair cores located within the front element of the building; one of which would be specifically for use by the cancer treatment centre, the other for use by the Dental Hospital theatre suite. As such, the ground floor would comprise a security entrance, ambulance bay and core for use by the Oral Theatre Suite along with the equivalent for the cancer treatment centre and eight consulting rooms, toilets, reception area, laundry and cleaning rooms and an IT Hub. The treatment area itself would occupy the rear of the building at ground floor, along with all of the first and second floors. At ground floor, there would also be bin stores and generators. An external plant area would be located at the rear of the building on the first floor which would measure 16m by 17m.
- 1.5. The basement would comprise two lift and stair cores; water tanks and plant areas; 22 cycle spaces and 50 car parking spaces. The 50 spaces would include 10 disabled spaces and 17 spaces for electric vehicles.
- 1.6. Staff car parking would be located at Plot 7, an existing area of hardstanding accessed off Bristol Road and situated adjacent to two rugby pitches owned by the applicant and leased to King Edwards School. This area would provide a further 126 spaces for staff of Plot 4 use only. Access would be provided via the existing access point off Bristol Road South, which is proposed to be widened; with egress utilising the existing allotment access route onto Eastern Road, with amendment.
- 1.7. The Plot 7 car parking area would require the removal of 5 category 'C' trees including 2 Ash and 3 Sweet Gum.

- 1.8. Amended plans and updated statements have been submitted during the course of the application that have changed the proposal as follows:
- reconfiguration and reduction of the basement level provision. Parking increased to 50 spaces with EV and disabled provision remaining the same in the basement;
 - some useable floorspace planned where the proposed water storage was planned for;
 - removal of a triangular shaped piece of floorspace to the south east elevation on level 00-01 and the associated landscape surrounding it;
 - installation of stairs to level 00 lobby (North-west elevation);
 - inclusion of a HV switchroom at level 00 above ramp area;
 - internal reconfiguration of space at each floor to rationalise space;
 - reduction in overall floorspace from 10,600m² to 10,524m²;
 - rationalising of external plant to fourth floor with some on level 01 and 03;
 - flue extracts relocated to fifth floor;
 - ancillary alterations to the facade of the building; and
 - reconfiguration of parking spaces in plot 4, change in hardstanding locations to show the retained rugby pitches in situ on Plot 7.
- 1.9. Further amended plans were submitted following concerns raised by Transportation that provide an exit point onto Eastern Road rather than the access on Bristol Road being the access and egress for the proposed staff car park.
- 1.10. The application is supported by a Planning Statement, Design and Access Statement, Surface Water Drainage Strategy Plot 4 and Plot 7; Sustainable Drainage Statement; External Lighting Details; Landscape Masterplan; Ecological Appraisal, Flood Risk Assessment, Arboricultural Report; Tree Survey Plot 4 and Plot 7; Tree protection and Method Statement Plan; Heritage Statement; Framework Construction Management Statement; Sustainability Statement; Framework Travel Plan and a Transport Assessment.
- 1.11. Site area: 0.78ha.
- 1.12. [Link to Documents](#)

2. Site & Surroundings

- 2.1. This part of the former BBC studios was a central component of the eleven storey central core of the building. The site was vacated in 2003, and cleared during 2003/2004. The proposed Plot 4 site lies between the dental hospital (opened in April 2016) and the under construction Circle Hospital on Plot 5 facing onto Pebble Mill Road. The north of the plot is defined by the Pebble Mill Estate Road, Mill Pool Way.
- 2.2. The existing hard-surfaced car parking area in Plot 7 is bounded to the north by Bristol Road from where there is an existing vehicular access; to the south by the Eastern Road allotments, and to the west by Eastern Road. The adjacent sports pitches to the east were established in the 1960s as a cricket pitch but in more recent years have been used as rugby training pitches by the University of Birmingham and King Edwards School. The car parking area is sparingly used and licensed by the landowners for occasional overflow use, particularly on test match days at Edgbaston.

- 2.3. The immediate area surrounding the Pebble Mill site primarily consists of a mix of two, three and occasionally four storey late nineteenth and twentieth century houses. The main leisure uses in the area are Cannon Hill Park to the south east and Edgbaston Golf Course and King Edward's School to the north, adjacent to which is the University of Birmingham's main campus.
- 2.4. Less than half a kilometre from the site along Pershore Road is the 8 storey West Midlands Police Training Facility, and a series of 1960's twenty storey local authority flats. The urban character of this area is varied including: Edwardian villas, early twentieth century detached homes, and more recently with the increased commercialisation and redevelopment of some sites, larger and taller buildings being built along some of the main roads of this part of Birmingham, such as Edgbaston Mill.
- 2.5. Bourn Brook and its tributary Chad Brook are important features in the local landscape. These two Brooks along with the retained bands of semi-mature trees divide the site into distinct areas. Flood defence works to the Brook approved by your Committee within the Plot 6 development have recently been completed.
- 2.6. Edgbaston is known for its 'green and leafy' image, the wider site reflects this with its mix of mature and semi-mature trees. The historic use of the site as a campus with one large building on about a third of the site with sporting facilities on the remainder has resulted in a tree-scape which follows former field boundaries within the site.
- 2.7. [Site Location Map](#)

3. Planning History

- 3.1. The wider Pebble Mill site benefits from outline consent for a science and technology park with revised accesses onto Bristol Road and Pebble Mill Road and reconfigured sporting facilities, dating from the first consent (2003/00992/PA).
- 3.2. 22 June 2018. 2018/01541/PA. Outline planning permission granted for the construction of a building of up to 9,000m² for use as part Use Class B1b (research and development) and/or part Use Class C2 (hospital) and/or part Use Class D1 (non-residential institution) with details of access, all other matters reserved. Plot 4.
- 3.3. 26 May 2017. 2017/01959/PA. Outline planning permission granted for the construction of a building of up to 5,000m² which can be used as Part B1b (research and development), Part C2 (hospital) and Part D1 (non-residential institution) within the medical confines of the redevelopment of the former Pebble Mill BBC studios with all matters reserved. Plot 4.
- 3.4. 6 March 2014. 2013/09519/PA. Outline planning permission granted with all matters reserved for the erection of a building up to 5,000m² for the use as B1b (research and development), C2 (hospital) and/or D1 (non-residential institutions). Plot 4.
- 3.5. 18 August 2011. 2011/03010/PA. Permission granted for a package of advanced infrastructure, inclusive of internal access road, associated drainage, services, security gates and parking, substation and security kiosk, promenade, wildlife planting, area of open space, and footbridge link.
- 3.6. 6 April 2006. 2006/00518/PA. Permission granted for a Section 73 application to vary and remove B & C conditions of 2003/00992/PA to allow for phased

implementation for up to 10 years of outline planning permission for construction of technology and science park with revised accesses on Bristol Road and Pebble Mill Road and reconfigured sporting facilities.

- 3.7. 8 October 2003. 2003/00992/PA. Permission granted for the construction of a technology and science park with revised accesses on Bristol Road and Pebble Mill Road and re-configured sporting facilities (outline application - only access determined).

4. Consultation/PP Responses

- 4.1. Local residents, Ward Councillors, MP and Residents Associations notified. Site and Press notice posted. 17 letters of objection received from local residents in Eastern Road, Selly Wick Road, Uplands Road, The Stables, Oakfield Road, Second Avenue and Selly Park Road; Councillor Deidre Alden, Preet Gill MP, Selly Park Residents Community Association and Selly Park Property Owners Association. Objections are based on the following grounds:

- The Pebble Mill site is already overdeveloped.
- Plot 4 is squashed in and shouldn't be used for development.
- Extra traffic will be generated along with extra pollution.
- The cycleway has already made the junctions less safe and created a highway safety issue – this will make things worse.
- Increase in traffic at the Bristol Road/Eastern Road junction.
- The roads are already full of cars from the dental hospital, QE Hospital and the University.
- Plot 7 is too remote from Plot 4 to be utilised for car parking – it would be over 400m walk away.
- Intrusive lighting to existing residential properties from the proposed car park on Plot 7.
- The proposed Plot 7 car park changes the nature of the area from sport and residential to commercial use.
- How can sport continue if adjacent to a car park?
- Loss of sports pitches.
- Noise pollution from car park.
- Viability of the use of the existing sports pitches and applicant's long term plans for the site.
- The car park would be more appropriately located at the other end of the sports pitches adjacent to Mill Pool Way.

- 4.2. Three further periods of public consultation were undertaken on subsequent amendments including the revised access and egress points from Bristol Road and Eastern Road. A further 7, 14 and 8 letters of objection were received from residents on each period respectively. The objections continue to relay the comments already outlined above along with that the proposed egress onto Eastern Road is not acceptable to those residents living opposite the site on Eastern Road.

- 4.3. Councillor Deidre Alden – objects to the application as there is never enough parking provided. This facility will need more car parking than proposed because by the time it is built, there is likely to be no facility for overflow parking on the local roads.

- 4.4. Preet Gill MP – refers to objections provided by a constituent located on Eastern Road (outlined above) and requests that the application is determined by Planning Committee.

- 4.5. West Midlands Fire Service – No objection. The approval of Building Control will be required to Part B of the Building Regulations 2010.
- 4.6. Regulatory Services – Whilst no comments have been received in relation this current proposal, on the previous planning permission they raised no objection subject to safeguarding conditions relating to contaminated land, extraction and odour control, plant noise and vehicle charging points.
- 4.7. Environment Agency – no objection subject to a condition relating to unexpected contamination.
- 4.8. Transportation – No objection subject to safeguarding conditions relating to visibility splays, s278 works, travel plan and car park signage and management.
- 4.9. Severn Trent Water – No objection subject to a drainage condition.
- 4.10. Sport England - The proposal to develop a new medical facility building does not affect existing playing fields, however the proposal also includes an extension to and the use of an existing car park that forms part of an existing area of playing field at the corner of Bristol Road and Eastern Road. The playing field contains two natural turf rugby pitches and is known to be used by Birmingham University. My understanding from the application is that the car park is intended to be used to serve the proposed development and users of the playing field at weekends. In terms of the proposed car park improvements; the proposed car park plan shows that the car park would be enlarged to provide additional capacity and that this will result in the loss of a strip of playing field. On the basis that the amended car parking drawing is formally submitted as part of the planning application, I am satisfied that there would not be any encroachment from the car parking area onto the existing playing field. As such, I can confirm that Sport England has no objection to this application.
- 4.11. West Midlands Police – No objection subject to a condition relating to CCTV. The proposal site is covered by Edgbaston neighbourhood policing team and calls for service to the police are high. In the six month period (between September 2018 and February 2019) there were 184 reported incidents of anti-social behaviour, 162 recorded burglaries, 323 incidents of vehicle crime, 137 bicycles stolen and 89 robberies/theft from the person that occurred on the ward. There have been 9 recorded crimes in the past 12 months, at the adjoining dental hospital, including 6 thefts (from staff areas) 2 assaults and a criminal damage. I recall that the lack of parking was one of the concerns offered in 2018/01541/PA and I note that staff parking is provided 'off site' adjacent to Eastern Road, provided that the route between the two sites is well lit, and covered by CCTV so that 'commuters' are safe to travel between the two, this is supported. Will the car park be gated and secured to exclude non-members of staff?
- 4.12. Lead Local Flood Authority – No objection subject to a sustainable drainage condition.

5. Policy Context

- 5.1. NPPF, Birmingham Development Plan (BDP), Saved Policies of the Birmingham Unitary Development Plan 2005, Places For All 2001, Car Parking Guidelines SPD, Pebble Mill Watermill Archaeological Site.

6. Planning Considerations

- 6.1. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Planning is required to seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It should also encourage the effective use of land by reusing land that has been previously developed and focus development in locations that are sustainable and can make the fullest use of public transport walking and cycling.
- 6.2. The Pebble Mill site is identified in the BDP as being located within the Selly Oak and South Edgbaston Area, albeit outside of the growth area boundary identified in Plan 13 and Policy GA9; as being suitable for a broad range of technology and medical and health uses. The supporting text identifies in Paragraph 5.102 that the area will see significant investment. It goes on to state *“The aims are to maximise the potential of the University and Hospitals, promote economic diversification and to secure significant spin off benefits from new development. In particular the area will provide the focus for the clustering of activities associated with medical technology in the Life Sciences sector. This recognises the potential to marry growth in the Life Sciences sector with the unique spatial opportunities offered in this location. This will further enhance the City’s future economic competitiveness and attract investment and jobs.”*
- 6.3. The proposal would provide a new medical facility comprising of either B1 (b), C2 and D1 or a combination of these uses. It is suggested that the building would be occupied by a cancer treatment centre and an oral theatre suite (that would replace the existing temporary theatre suite in the car park of the adjacent Dental Hospital). The oral theatre suite would fall within both the C2 and D1 use classes as it would be utilised by both the Dental Hospital and the School of Dentistry. The Dental Hospital/School of Dentistry is located on the adjacent Plots 2 and 3 whilst a private BUPA care facility has been constructed on Plot 1. A private hospital is nearing completion on the adjacent site - Plot 5 fronting Pebble Mill Road, and student accommodation is complete on Plot 6.
- 6.4. The proposed development uses would sit comfortably within the wider site, which has been established as a medical park, through the uses on site and with the benefit of planning permission. The proposed medical facility would assist in research and development and/or medical care uses supporting the policy focus of the BDP for the clustering of activities associated with medical technology. On this basis, I consider that the addition of the proposed use within a wider site that has planning permission and/or are established as medical uses is acceptable and in accordance with the development plan policy.
- 6.5. I note the objections raised regarding over-development and Plot 4 appearing squashed in. The plots were established under the consents granted in 2003 and 2006 and planning permission has previously been granted for a similar development on Plot 4. As such, the principle of development on the Plot 4 site has already been established, although the proposal is larger than the previously approved outline floor space.
- 6.6. With regards to the use of the sports field car park (addressed as Plot 7); the area is currently used as sports pitch car parking for the pitches which are leased to King Edwards School (opposite Plot 7). The car park area is used by the University as an overflow on open days and for car parking when the cricket is played at Edgbaston. The proposed use of this area as a staff car park for Plot 4 is considered acceptable.

The car park would remain available for use when sporting activities occur on the adjacent pitches (at weekends) and the proposed use would not encroach into the pitches. As such, no loss of sporting activities or pitches would occur. Sport can continue adjacent to the car park. As such, Sport England has raised no objection. Based on this, I consider the use of this part of the whole site as a formal car park acceptable. It is located within a reasonable and safe walking distance of Plot 4 and its management can be controlled via condition.

- 6.7. I note the objections in relation to the use of the car park more formally and that it would result in the loss of the sport use. I also note the objections relating to the relocation of the car park to the other end of the sports field being acceptable to residents, which would in turn result in a potential loss. As Sport England have not objected and the area is used for car parking already; whilst this would be an intensification of the use and I note the residents concerns; I consider that there would be no basis against which to refuse planning permission on the grounds of use/principle.

Design

- 6.8. Policy PG3 of the BDP identifies that new development should demonstrate design quality and contribute to a sense of place by creating safe and attractive environments.
- 6.9. The previous outline approval granted consent for a building that would have been up to 8 storeys in height, with two of the storeys proposed below ground, indicating that above ground, the development would have been a primarily five storey building with a sixth floor added in the centre of the building for plant. The current proposal would retain the five storey building above ground with a small plant room on the roof and one level below ground. The five storeys above ground would be located to the building frontage to maintain the street scene along the internal access road (Mill Pool Way) and bridge the building scale and height from the three/four storey Circle hospital to the north east to the five/six storey Dental Hospital and School of Dentistry to the north west. The building has been designed with a recessed ground floor with the floors above oversailing at the Mill Pool Way frontage. This elevation would comprise of a curtain wall cladding system in grey and aluminium with significant glazing. The proposed rear element of the building to the rear would be two storeys in height with a basement level below.
- 6.10. My design advisor considers that the proposed scale and height is acceptable and in keeping with the general character of the area. As such, the building would sit comfortably within composition to the Dental Hospital. The stepping down from the Dental Hospital appears as a logical design solution in regards to the visibility as a visual link and wider townscape views of how the development will appear from longer distance views. The siting of the building is also considered acceptable by my design advisor as it would provide a presence on the building frontage and they consider that the proposed façade treatment and materials are seen as innovative, forming what should be statement architecture set within the existing landscaping.
- 6.11. I concur with the view of my City Design Advisor and consider that the scale of the development proposed compares favourably with both the former BBC site, which had an intensive urban form with many buildings of 2 or 3 storeys height, and one 11 storey block and with adjacent developments on Plots 1, 2 and 3, 5 and 6 (for the student accommodation). The development at 5 storeys would match the development that Your Committee granted approval for last year. As such, the proposed building would only differ slightly on its external appearance from the

previous consent. The modern design and use of materials would allow the development of a statement medical building in its context. The building is shown set back from the estate road allowing for a generous granite sett path to the frontage and a 25m long planting bed running alongside the building to the entrance to the oral theatre suite reception, in keeping with local character and principles for the wider site development established back in 2003.

- 6.12. The distance separation from the proposed building to rear garden boundaries on Bristol Road is around 20m, which is not considered close especially given the previous development, the length of Bristol Road gardens (100+m), and tree and other vegetation screening on the boundary and in the gardens. Given the setbacks from the estate road and other site boundaries; the significant avenue of tree cover on and around the site; and the previous development form, I am satisfied that up to 10,600sqm can be accommodated on the site without undue effects on local character and residential amenity.
- 6.13. With regards to the use of the car park area at Plot 7, the proposal would see the small extension of the car parking area, than is currently on site in order to accommodate a further 30 spaces than existing. New areas would be surfaced with permeable block paving. The car park would also be externally lit. The external lighting strategy identifies that the car park would utilise energy efficient bollard lighting within and along the Eastern Road car park boundary. All of the lights would be either person sensor controlled or timed. I consider that the use of the area would have limited impact on the existing landscape and the proposed lighting can be adequately controlled via condition.

Archaeology

- 6.14. I note that the application site is in close proximity to the Pebble Mill Watermill archaeological site. The application is supported by a heritage statement that concludes that the proposed development would not affect the area of archaeological potential. Your Conservation officer has raised no objection to the proposed development and considers that no further archaeological work is required. I concur with this view.

Flood Risk and Sustainable Drainage

- 6.15. A Flood Risk Assessment and a Sustainable Drainage Statement have been submitted in support of the application. The Environment Agency flood maps identify that Plot 4 sits within Flood Zone 2 and Plot 7 sits within Flood Zone 3a. A detailed hydraulic modelling exercise has been undertaken that illustrates that Plot 4 sits outside the 1 in 1000 year floodplain whilst only the southern quarter of Plot 7 is located within the 1 in 1000 year floodplain. Access/egress routes from the site are available outside of the floodplain. The assessment also identifies that in order to provide resilience against future river flood events, finished floor levels would be set a minimum of 600mm above the adjacent 1 in 100 year plus 30% flood level. The Environment Agency has reviewed the flood submission and has raised no objection subject to a condition relating to unexpected contamination. I concur with this view.
- 6.16. The accompanying sustainable drainage statement identifies that the previous site use (as the BBC) drained to the Bourn Brook at an unrestricted rate. Due to the clay nature of the ground conditions and the elevated ground water level; the assessment identifies that infiltration would not represent a viable means of surface water disposal for the site. However; a fixed discharge rate of 5 litres per second into the Bourn Brook as per the previously agreed surface water strategy is proposed

along with cellular storage beneath permeable paving. The LLFA raise no objection to the proposed development subject to the imposition of sustainable drainage conditions. I concur with this view and the relevant conditions are recommended below.

Ecology and Trees

- 6.17. An updated ecological assessment was undertaken for the site redevelopment in September 2019. This identified that the Plot 4 site is a mix of hardstanding and open ground of low biodiversity value whilst Plot 7 is a large area of hardstanding with hedges, also of low biodiversity value. The proposed landscaping and biodiversity enhancements such as bee posts are welcomed. The site is noted to have limited potential for roosting bats, nesting birds and no Badger activity was recorded. With regards to trees, the Plot 7 car parking area would require the removal of 5 Category 'C' trees comprising 2 Ash and 3 Sweet Gum but mitigation for their loss is proposed. I consider that the trees recommended would compensate for the losses and add to the existing canopy coverage. As such, the City's Ecologist/Arboricultural Officer raises no objections and I concur with this view. Safeguarding ecology conditions are recommended.

Transport

- 6.18. A Transport Assessment has been submitted in support of the application and undertaken by WSP who have been working in partnership with the City Council on the Birmingham Hospitals and University Master Plan Study and the Selly Oak Parking Study. Access to the Plot 4 site would be via Mill Pool Way, which connects the two main access points in the form of a priority controlled 'T' junction on Pebble Mill Road and a traffic signal controlled T-Junction. The Plot 7 Site would be accessed from the existing access off the A38 Bristol Road, which would be widened and upgraded as part of this application. The assessment notes that the site is highly accessible by public transport on both Bristol Road and Pershore Road. It goes on to conclude that the proposed use, in conjunction with the other permitted site uses; would have a negligible impact on traffic flows in both the morning and evening peak hours as it would result in approximately 144 two way movements in the am peak and an additional 106 in the pm peak. This would be 16 less in the am peak and 13 less in the pm peak than the previous outline planning permission.
- 6.19. 176 car parking spaces are proposed comprising 46 for the D1 hospital element, 84 for the B1b element and 46 for the D1 oral theatre suite. This would be in accordance with the City's parking guidelines. The 176 spaces would be split across the Plot 4 and Plot 7 sites. 50 spaces would be provided in the basement of the proposed building on Plot 4, whilst 126 would be located on Plot 7. The Plot 7 site is located 440m walk from Plot 4, marginally exceeding the 400m guideline. Of the 50 spaces on site, 10 would be provided as disabled parking with a further 17 spaces provided for electric vehicles with charging points. The primary use of the Plot 7 site would be for staff parking although if required, could also operate as visitor/patient overflow. 22 cycle spaces would be provided through the provision of 11 cycle stands.
- 6.20. Transportation acknowledges that Plot 7 is currently a car parking area for the playing fields with approximately 60 spaces marked out. Access is currently gained from Bristol Road via an existing footway crossing. This would be used as an 'In only' access with an 'Exit only' provided via an existing access onto Eastern Road. Transportation advises that this access will need to be improved by widening the crossing and the boundary treatment amended to allow a pedestrian visibility splay

of 3.3m x 3.3m x 600mm high to be incorporated. This exit only arrangement onto Eastern Road is considered acceptable in order to allow vehicles wishing to right turn towards the City Centre to be in a better position to make the manoeuvre.

- 6.21. In line with BCC standards 6% and 10% of the overall parking spaces would be allocated for disabled and electric vehicle parking respectively. This space would be provided within the basement car park at Plot 4. There would also be 22 cycle spaces provided on site, meeting the minimum requirement of 22 spaces required by BCC's standards for a development of this scale. As such, Transportation raises no objection to the proposed parking levels on site. The proposal for Plot 4 would generate 16 fewer two-way trips in the AM peak period and 13 fewer trips in the PM peak period from what has been previously consented for the development site. As such, Transportation raises no objection on traffic generation grounds.
- 6.22. Transportation agrees with the conclusions of the Transport Statement. They acknowledge the multiple sustainable transport opportunities in proximity to the site; the reduced trip generation compared to the previous consented application and the intent to provide a robust Travel Plan in support of further encouraging sustainable movement and as such they raise no highway objections to the proposed development and I concur with this view. Safeguarding conditions are recommended relating to car park management, construction management, s278 works, visibility splays and a travel plan.
- 6.23. I acknowledge the level of objection to the proposed development regarding car parking provision, traffic generation and the egress from the Plot 7 car park onto Eastern Road. As previously outlined, the car parking provision proposed would be in accordance with the car parking guidelines including those for electric vehicles and blue badge holder spaces; the level of trip generation from the proposed use would be less than previously agreed and the egress onto Eastern Road addresses the concerns raised by residents and Transportation regarding the Bristol Road/Eastern Road junction following the opening of the cycle route. As such, I consider that the proposal is acceptable in highway terms.

Other Issues

- 6.24. The proposed development does not attract a CIL contribution.
- 6.25. I note objections received related to the Plot 7 car park in terms of noise pollution. The nearest residential properties are located some 23m from the site boundary on Eastern Road. The boundary is also well screened. Whilst Regulatory Services have not commented on the current application, I consider that the impact from car doors shutting, car lights and people chatting would be de-minimus in relation to residential amenity. The distance separation and the proposed car parking hours for its use by the building on Plot 4 being 7am to 7pm Monday to Friday with the weekend being used for sports pitch car parking would be sufficient to address this element of concern. The primary car park use would not be within noise sensitive hours nor the weekend.

7. Conclusion

- 7.1. The proposed medical facility of either B1(b), C2 or D1 uses or a combination of the proposed uses would be a welcome addition to the Pebble Mill development which has already seen planning permission granted for a private hospital (currently nearing completion), a private BUPA care home and the relocation of the School of Dentistry and the Dental Hospital. This development would form another part of a

growing medical/health park, supporting the aims and objectives of the Selly Oak and South Edgbaston Area in accordance with the BDP.

- 7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. As the proposal would see the development of the remaining vacant site within the former Pebble Mill site for new medical/research and development facilities and which would provide wider economic and social benefits, whilst supporting the provision of local employment in construction and medical career opportunities and does not have an environmental impact, I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

- 8.1. That planning permission is approved subject to the conditions listed below.

-
- | | |
|----|---|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Requires the scheme to be in accordance with the listed approved documents |
| 3 | Requires the submission of unexpected contamination details if found |
| 4 | Limits the hours of operation of car parking on Plot 7 by Plot 4 to 0700-1900 hours Monday to Friday |
| 5 | Requires the implementation of the Flood Risk Assessment |
| 6 | Requires the prior submission of a drainage scheme |
| 7 | Requires the prior submission of a Sustainable Drainage Assessment and Sustainable Drainage Operation and Maintenance Plan in a phased manner |
| 8 | Requires the submission of a scheme for ecological/biodiversity/enhancement measures |
| 9 | Requires the submission of extraction and odour control details |
| 10 | Limits the noise levels for Plant and Machinery |
| 11 | Requires the submission of hard and/or soft landscape details |
| 12 | Requires the submission of boundary treatment details |
| 13 | Requires the submission of a landscape management plan |
| 14 | Requires the prior submission of a construction method statement/management plan |
| 15 | Requires the submission of sample materials |
| 16 | Requires the submission of a CCTV scheme |
| 17 | Prevents the use from changing within the use class |
-

-
- 18 Removes PD rights for telecom equipment
 - 19 Requires a minimum of 10% of parking spaces shall have vehicle charging points.
 - 20 Requires the prior submission of a construction employment plan.
 - 21 Requires the submission of the siting/design of the access
 - 22 Requires the submission of entry and exit sign details
 - 23 Requires the prior submission of a parking management strategy and barrier details
 - 24 Requires the submission of a commercial travel plan
 - 25 Requires the parking area to be laid out prior to use
 - 26 Requires pedestrian visibility splays to be provided
 - 27 Requires the submission and completion of works for the S278/TRO Agreement
 - 28 Implement within 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)



Photograph 1: Existing Plot 7 Car Park Area



Photograph 2: Plot 4 view from dental hospital car park looking north

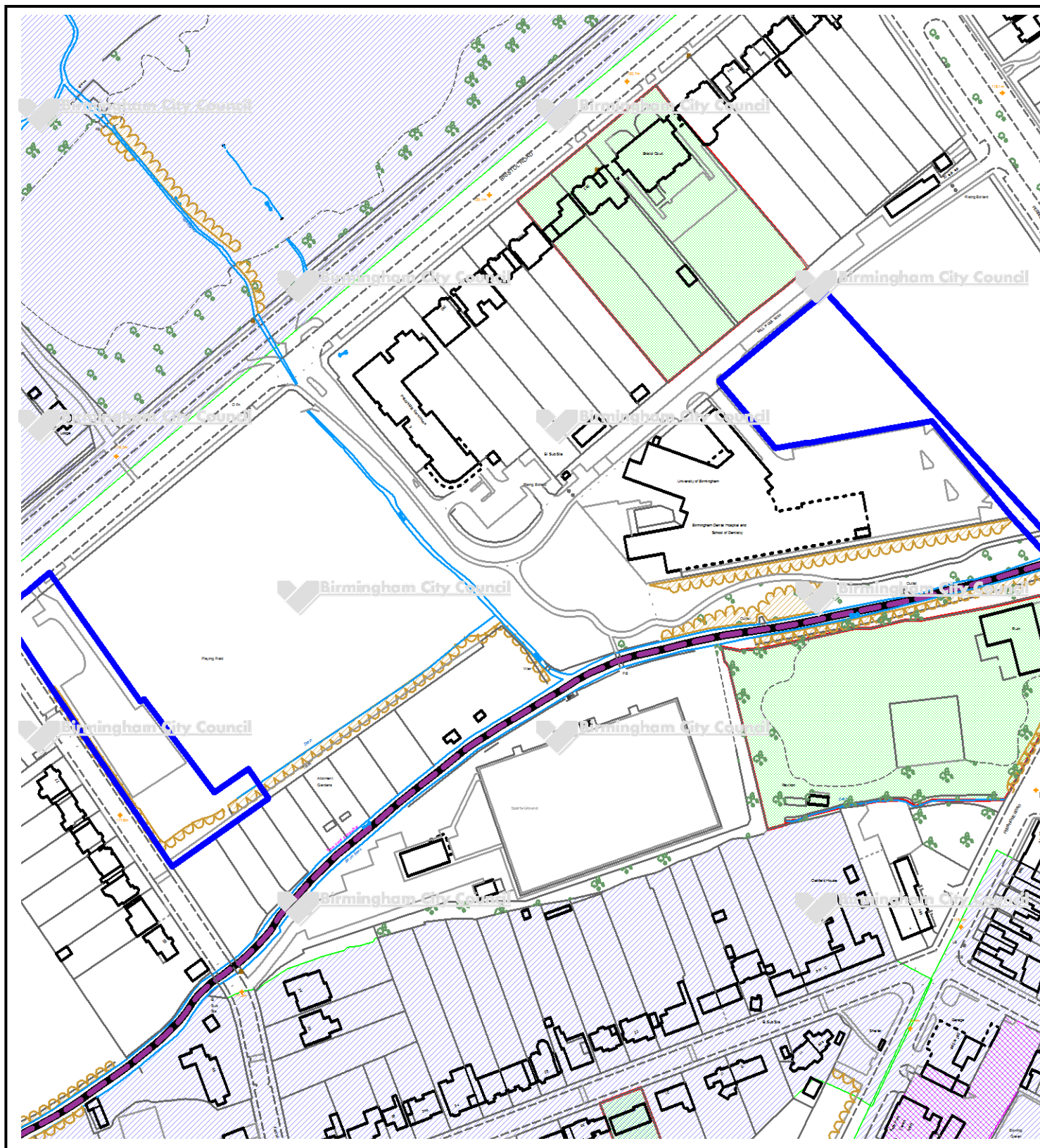


Photograph 3: Plot 4 application site looking East



Photograph 4: View to north of Bristol court from site boundary on Mill Pool Way

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/08129/PA
Accepted:	08/10/2019	Application Type:	Full Planning
Target Date:	06/01/2020		
Ward:	Brandwood & King's Heath		

Land bounded by High Street/Findlay Road and Highbury Park, Kings Heath, Birmingham, B14

Construction of new railway station including two platforms, elevated forecourt connected via footbridge from Highbury Park, installation of lift and staircase and other associated works

Recommendation

Defer

Informal Approval

1. Proposal

- 1.1. Planning permission is sought for the construction of a new train station on the Camp Hill line on the site of the former station. Proposals include pedestrian accesses from both the High Street and Highbury Park with a bridge provided over the track. Platforms are provided on both sides of track which can be accessed via steps or lifts. No ticket office is proposed but machines will be provided. Cycle storage for 30 bicycles is provided close to the Alcester Road frontage but no car parking or drop-off area is provided. The platforms can accommodate 6 car trains with a service provided every 30 minutes.
- 1.2. The application is supported by a Planning Statement, Design and Access Statement, Tree Survey, Preliminary Ecological Appraisal, Bat Survey, Noise Report, Air Quality Assessment, Contaminated Land Report and Transport Assessment.
- 1.3. Site area: 0.9 ha.

1.4. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site consists of the existing railway line and associated embankments. A small area of Highbury Park and part of the Alcester Road is included within the redline boundary. The site is bound by Highbury Park to the north, Alcester Road to the east and retail unit and car park to the south. The site is located within Kings Heath District Centre where there are a range of commercial uses. Residential properties are also present nearby on Valentine Road and Station Road as well as flatted development on the High Street.

2.2. [Site Location Plan](#)

3. Planning History

- 3.1. None
4. Consultation/PP Responses
- 4.1. Regulatory Services – comments awaited
- 4.2. Transportation Development – No objections subject to conditions requiring submission of a construction management plan, completion of S278 works, monitoring to determine if TRO's are required and the provision of secure and sheltered cycle storage.
- 4.3. West Midlands Police – No objection subject to provision of CCTV.
- 4.4. Severn Trent Water – No objection subject to condition for scheme of foul and service water drainage.
- 4.5. Fire Service – No objection
- 4.6. Site notice posted, local MP, Councillors, Residents' Associations and the occupiers of nearby properties notified of the application. 46 responses have been received. 43 of the letters support the new station highlighting:
- Improved transport links with City Centre;
 - Cycle storage at station will reduce number of cars;
 - Will make positive contribution to locality and deliver economic benefits;
 - Line needs to open asap;
 - Supportive of no parking provision;
 - Will ease traffic congestion and pollution locally;
 - Benefits local people who don't drive;
 - Decrease in passenger numbers on other train lines; and
 - Reduce reliance on car based travel
- 4.7. 11 of 43 supporting responses also raised the following matters:
- Increased on street parking;
 - Removal of 6 short stay bays on A435 will create additional parking pressure;
 - The vehicular Access point of 15 High Street will be blocked more frequently as drop offs occur;
 - Residents parking permits needed;
 - 2 trains an hour is insufficient;
 - Lots of planting needed around the station;
 - Car park with disabled spaces is needed;
 - Station needed at Balsall Heath;
 - Tree loss in Highbury Park;
 - Cycle lane needed through park;
 - Wildlife impact during construction period;
 - Commuters will park in the Highbury Park car park;
 - Ticket office needed; and
 - Safe pedestrian access to the park is needed during construction phase
- 4.8. 2 letters of objection were received stating:
- Harm to local businesses during construction; and
 - Severe impacts on residents parking;

- 4.9. A response has been received from the Chamberlain Highbury Trust raising the following matters:
- Generally supportive of scheme;
 - Concerns over construction access from Shutlock Lane through Highbury Park impacting on historic asset;
 - Conditions needed to introduce parking restrictions on local roads, supervision for construction vehicles and introduction of features that reference Highbury Hall
- 4.10. A response has been received from the Moseley Society stating:
- Re-opening of Camp Hill Line is welcomed;
 - Concerns over impact during construction phase;
 - Materials for construction should arrive via rail rather than road; and
 - Concerns over the use of compound at the location of proposed Moseley station
- 4.11. A response has been received from Moor Green Residents Association stating:
- Station is much needed;
 - Too much of the park is being utilised for access;
 - Increased parking in Highbury Park car park;
 - Additional crossings needed to reduce highway safety concerns and
 - On street parking may be an issue on local roads

5. Policy Context

- 5.1. The following local policies are applicable:
- Birmingham Unitary Development Plan 2005 (Saved Policies)
 - Birmingham Development Plan (2017)
 - Car Parking Standards SPG
 - Kings Heath Local Action Plan
- 5.2. The following national policy is applicable:
- NPPF – National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. Principle
- 6.2. The NPPF defines the three dimensions of sustainable development as being economic, environmental and social. The NPPF and appeal decisions have established that there must be very good reasons to resist development if it otherwise constitutes sustainable development. The NPPF highlights the need to identify opportunities from existing transport infrastructure and promote walking, cycling and the use of public transport. Great emphasis is placed on encouraging sustainable travel and minimising car use.
- 6.3. Policy TP41 of the BDP addresses travel by bus/coach, rail and metro. The policy specifically proposes the reopening of the Camp Hill line to passengers services and identifies that a station should be located at Kings Heath. The aspiration for a station in Kings Heath is also supported within Policy T7 of the Kings Heath Local Action Plan.

- 6.4. Based on the requirements of Policy BDP41 the principle of a new station in Kings Heath is support however detailed consideration of a variety of planning matters is required.
- 6.5. Character Impact
- 6.6. Policy PG3 of the BDP explains that “All new development will be expected to demonstrate high design quality, contributing to a strong sense of place.” It goes on to explain that new development should: reinforce or create a positive sense of place and local distinctiveness; create safe environments that design out crime and make provision for people with disabilities; provide attractive environments that encourage people to move around by cycling and walking; ensure that private external spaces, streets and public spaces are attractive, functional, inclusive and able to be managed for the long term; take opportunities to make sustainable design integral to development; and make best use of existing buildings and efficient use of land.
- 6.7. Policy TP12 seeks to protect heritage assets and their settings. In accordance with the NPPF it will be necessary to determine whether the proposals have any impact on any heritage assets.
- 6.8. As part of the development no building is proposed however significant levels of supporting infrastructure are required to facilitate the new station. The most prominent being a new footbridge over the railway line, lifts and the addition of two entrance pathways into the station from Highbury Park. The platforms and steps down to the platforms would be hidden from view within the embankments of the railway.
- 6.9. Highbury Hall (Grade II*), Uffculme School and Uffculme Hospital (both grade II) are all within a reasonable distance of the application site. However, due to the lack of inter-visibility between the listed buildings and the proposed station the Conservation Officer considers that there would be no impact on the setting of these designated heritage assets.
- 6.10. The application site does encroach into Highbury Park which is designated as a Registered Park and Garden. It is the far south eastern corner of the parkland that will be impacted by the development through the introduction of pathways and bridge access to and from the station. Initially 5 trees were proposed to be removed within the park however following negotiation the loss has been limited to 2 category B trees. The Conservation Officer considers that this small corner of the registered park can accommodate these changes as the pathways appear to have been designed to take account of the historic parkland. Conditions can be utilised to ensure the use of good quality materials and a well-designed lighting scheme which the Conservation Officer believes could complement the registered park.
- 6.11. It is also necessary to consider the impact of the wider development on the setting of the registered park. The most prominent element of the scheme is the lifts with the top of the lift shafts visible beyond the tree coverage of the park boundary. However, due to the topography of the application site the Conservation Officer considers that the impact of the lift shafts would not feel overly intrusive. Consequently it is not considered that the proposed station that would harm Highbury Park or its setting.
- 6.12. The station is likely to be accessed most frequently from the entrance on the Alcester Road between the building occupied by The Gym Group and Topps Tiles and the railway bridge. Currently this area consists of railings adjacent to the public

footpath with trees positioned behind on a steep slope that drops down to the retail car park below. To provide a level access a raised forecourt area is proposed to provide a wide forecourt with areas of soft landscaping providing an attractive entrance to the station. The forecourt leads to the steps and lift for platform 1 and the bridge over the railway to platform 2 and Highbury Park. The bridge has a low profile and is of a uniform design with rectangular glazed openings on both sides to allow natural light.

- 6.13. In summary it is considered that the overall design of the proposed scheme would be acceptable and in keeping with the character of the local area.
- 6.14. Transportation
- 6.15. Policy TP38 of the BDP requires that development proposals support and promote sustainable travel.
- 6.16. The provision of a new station in Kings Heath increases the choice of travel modes available to local residents and has the potential to reduce the number of journeys via cars. Some respondents are disappointed by the frequency of the service proposed however it is understood that this is due to capacity issues at New Street Station. It is important to note that the planning permission does not limit the frequency of the service therefore the frequency could increase from 2 trains an hour in the future if there is demand and there is capacity.
- 6.17. Understandably some concerns have been raised regarding over increased parking on residential streets such as Valentine Road and Station Road. Suggested solutions have included the provision of a car park or the introduction of parking permits for residents. The provision of a car park is not considered to be a sustainable solution because if one was provided it will be utilised to its full capacity and would fail to encourage travel by alternative modes to the station. To encourage cycling the scheme includes 30 cycle storage spaces which is considered to provide a good level of provision. The Transportation Officer has suggested a condition whereby the impact of the station is monitored over a 6 month period to determine whether any traffic regulation orders are required.
- 6.18. Concerns have been raised over a potential construction access from Shutlock Lane. However, this is not identified in any of the submitted documentation including the construction management plan. A construction access from Shutlock Lane is therefore not part of the assessment for this planning application.
- 6.19. The Transportation Officer is fully supportive of the scheme and raises no objection subject to conditions requiring completion of S278 works, a construction management plan and secure and sheltered cycle storage.
- 6.20. In summary there are no reasons to resist the proposal on transportation grounds.
- 6.21. Ecology
- 6.22. The Council has a duty to consider the impact of any proposal on protected species. A Preliminary Ecological Appraisal, Ecological Addendum and Bat Survey were undertaken by the applicant. No evidence of badger use was identified but bats were found to forage within Highbury Park although no roosts were identified in trees which are to be removed as part of the development. The Council's Ecologist raises no objection to the scheme subject to the provision of bat and bird boxes, a

construction environmental management plan and a scheme of ecological enhancements.

6.23. Landscape and Trees

6.24. There are a number of trees within and adjacent to the site. There is dense grouping of trees on the northern embankment of the railway line that adjoins Highbury Park and a group of trees adjacent to the Alcester Road. In total the survey has identified 7 individual trees (6 category B and 1 category C) and 7 groups of trees of varying species (1 category A, 2 category B and 4 category C) with each group containing between 3 and 20 trees. Of most significance is a grouping of 20 lime trees which are all classified as category A which are all to be retained.

6.25. To facilitate the necessary infrastructure for the station some tree removal is necessary. In total 4 trees and 5 groups of trees are proposed for removal. Of this total 4 trees and 1 group are category B whilst 4 groups fall within category C. It is important to note that further tree losses were proposed and through negotiation with the applicant 3 additional trees are now shown to be retained within Highbury Park. Following this change the Tree Officer raises no objection to the scheme subject to a condition requiring the submission of tree protection details.

6.26. The scheme is therefore acceptable from a trees and landscaping perspective.

6.27. Pollution

6.28. The application has been supported by a land contamination report, air quality assessment and a noise report. In light of the commercial location within a District Centre and positioning adjacent to a busy A road the proposal is not considered to impact noticeably on ambient noise levels. The air quality assessment predicts no negative impact on air quality locally and potentially if a modal shift away from car based travel occurs air quality could improve. Issues of contamination can be dealt with via condition.

7. Conclusion

7.1. The proposed development would be in accordance with, and would meet policy objectives and criteria set out in, the BDP and the NPPF. The re-introduction of passenger trains to the Camp Hill line and the opening of the station would greatly enhance public transport options providing a real alternative to the car. The proposal is acceptable in character, amenity, ecology and landscape terms. The proposal would constitute sustainable development and it is recommended that planning permission is granted.

8. Recommendation

8.1. That consideration of planning application 2019/08129/PA be deferred minded to approve pending the outcome of consultation with the Gardens Trust, Victorian Society and Birmingham Civic Society which is due to expire on 27th December 2019.

8.2. In the event of no objections being received from these bodies by 27th December 2019, favourable consideration be given to this application subject to the conditions listed below agreement.

-
- 1 Requires the scheme to be in accordance with the listed approved plans
 - 2 Requires the submission of sample materials
 - 3 Requires the submission of hard and/or soft landscape details
 - 4 Requires the submission of hard surfacing materials
 - 5 Requires the submission of boundary treatment details
 - 6 Requires the submission of a landscape management plan
 - 7 Requires the prior submission of level details
 - 8 Requires the prior submission of a drainage scheme
 - 9 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 10 Requires the prior submission of details of bird/bat boxes
 - 11 Requires the prior submission of a construction ecological mitigation plan
 - 12 Requires the submission of a lighting scheme
 - 13 Requires the submission of a CCTV scheme
 - 14 Requires the submission of cycle storage details
 - 15 Requires the submission and completion of works for the S278/TRO Agreement
 - 16 Requires the undertaking of parking monitoring, submission of Traffic Regulation Order Options and undertaking of agreed measures.
 - 17 Arboricultural Method Statement - Submission Required
 - 18 Requires tree pruning protection
 - 19 Limits the noise levels for Plant and Machinery
 - 20 Limits the maximum noise levels
 - 21 Requires the prior submission of a contamination remediation scheme
 - 22 Requires the submission of a contaminated land verification report
 - 23 Requires the submission of unexpected contamination details if found
 - 24 Implement within 3 years (Full)
 - 25 Requires the prior submission of a construction method statement/management plan
-

Case Officer: Andrew Fulford

Photo(s)

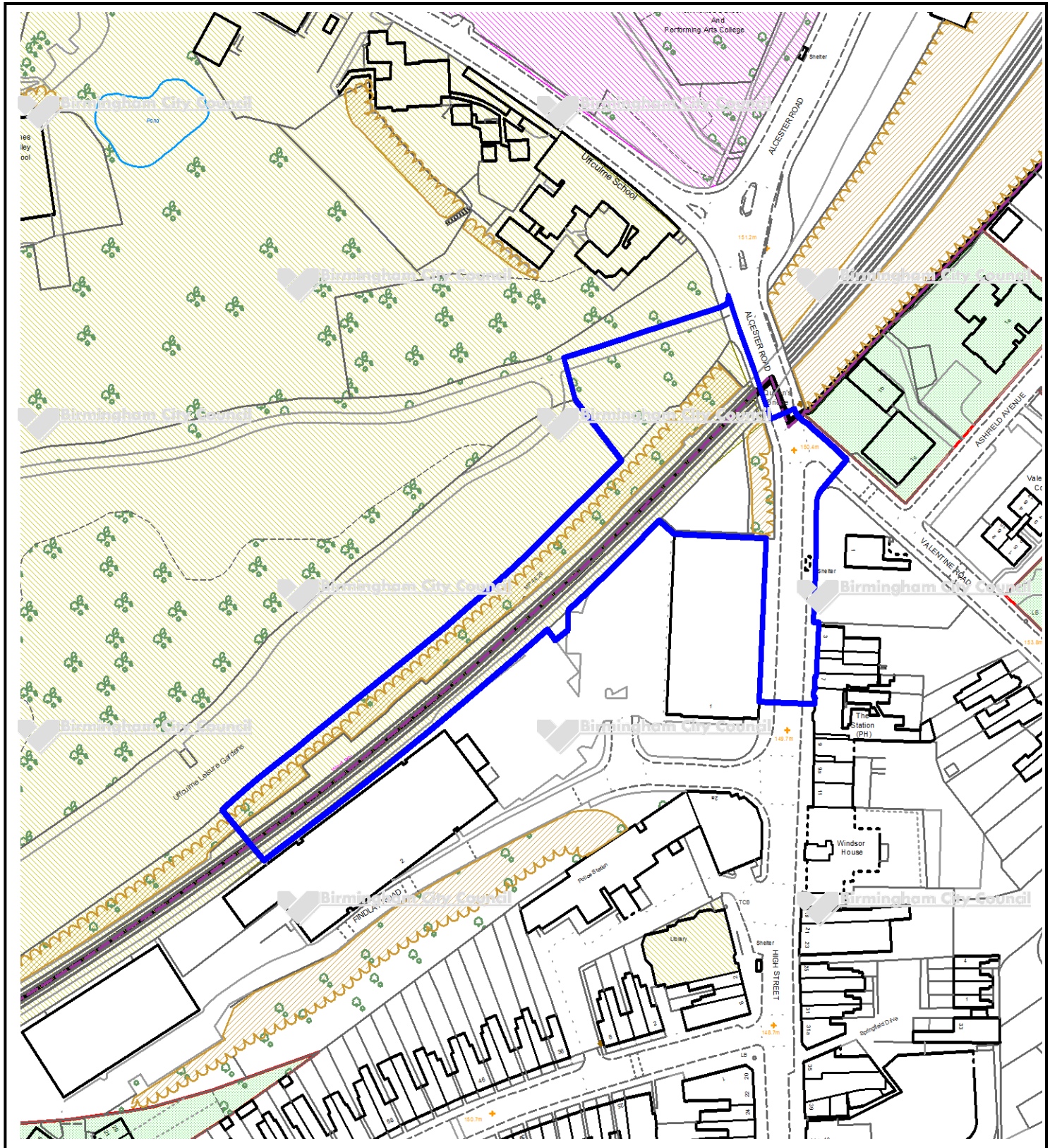


Photo 1: view from retail car park looking north east towards proposed station with existing vehicular bridge in the background



Photo 2: View from A435 looking south east towards proposed station entrance

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/06938/PA
Accepted:	02/09/2019	Application Type:	Full Planning
Target Date:	28/10/2019		
Ward:	Hall Green North		

Ashley House, 1143 Stratford Road, Hall Green, Birmingham, B28 8AU

Change of use from office (Use Class B1) to a 10 bedroom House in Multiple Occupation (HMO) (Sui Generis) with associated car parking to rear

Recommendation
Determine

Report Back

1. Members will recall that this application was presented to Planning Committee on 21 November 2019. At determination, Members will recall that the application was deferred, minded to refuse for the following reasons:
 - a) Lack of private amenity space
 - b) Crime and fear of crime
 - c) Implications on highway
 - d) Effect on the wider economy

Officers consider that the recommendation to approve in accordance with the original report dated 21 November 2019 remains appropriate. Members are reminded that any reasons for refusal must be made in accordance with the Development Plan unless material considerations indicate otherwise. Failure to do this could result in an appeal and likely costs being awarded for unreasonable behaviour.

a) With regards to the lack of private amenity space, HMO's across the City are regularly approved with a similar amount of amenity space. Sarehole Mill is 0.5km away from the application site; providing future residents with the option to enjoy outdoor space.

b) There is no evidence to suggest that the introduction of a HMO property would materially impact on crime levels or increase fear of crime in this area. West Midlands Police did not identify this to be an area with high crime and disorder. There have been appeal decisions (ref: 2017/08471/PA) where the Inspector dismissed the reason for refusal relating to fear crime (regardless of police objection) when there has been no evidence to suggest such fears.

c) Without the backing of Transportation, it would be very difficult to argue that the proposed development would result in a severe increase in traffic detrimentally impacting the highway. The existing lawful use as an office would have generated traffic in and out of the site and it is highly unlikely a residential use would result in greater traffic movement. The site provides off-street parking which would improve the on-street parking issues along Stratford Road and Green Road. When assessed against the above relevant policy context and the advice of the Transportation

Officer, I consider that a refusal on the grounds of increased traffic would not be defensible.

- d) The final reason for refusal relates to the effect that the proposal would have on the wider economy as the site, as it is located within a designated local centre and would result in the loss of office space. The Council has no policy for the loss of office space therefore there is no policy justification for this reason for refusal. Importantly, there is a previous consent on the site, which allowed the office to be changed into a dwelling. The principle of the loss of the office use residential on the site has previously been established. As the residential use is still a valid consent therefore refusal on this ground is unreasonable. It could also be argued that having a greater number of residents with the Local Centre would lead to an increase in trade for existing local businesses

1. Proposal

- 1.1. Planning permission is sought for the change of use of Ashley House, 1143 Stratford Road from to a 10 bedroom House of Multiple Occupation (HMO) (Sui Generis) with associated car parking to rear.
- 1.2. The application was originally submitted for a proposed change of use from dwellinghouse (Use Class C3) to 10 bedroom HMO (Use Class Sui Generis). A previous application was approved on the site for a change of use from office (Use Class B1) to dwellinghouse (Use Class C3) under application ref: 2018/02432/PA. It would appear that this planning consent is yet to be implemented, and the existing use of the property is not a dwellinghouse (Use Class C3). As such, the proposal has been amended to reflect the last known use of the site (office – Use Class B1).
- 1.3. The proposed layout would be as follows:
- Ground Floor:
 - Bedroom 1 – 14.3 sqm
 - Bedroom 2 – 11.6 sqm
 - Bedroom 3 – 15.8 sqm
 - Bedroom 4 – 15.0 sqm
 - Bedroom 5 – 8.6 sqm
 - Kitchen/Lounge – 28.4 sqm
 - Utility/Store
 - First Floor:
 - Bedroom 6 – 11.5 sqm
 - Bedroom 7 – 15.8 sqm
 - Bedroom 8 – 14.7 sqm
 - Kitchen/Lounge 20.0 sqm
 - Second Floor:
 - Bedroom 9 – 12.9 sqm
 - Bedroom 10 – 16.6 sqm
- 1.4. Each bedroom is shown to have a single bed, desk, store and an en-suite. There are no communal bathroom facilities proposed.

- 1.5. To the side, there would be 45.9 sqm of private amenity space and 8 parking spaces to the rear/side accessed off Green Road. Part of the site is bound by wooden panel fencing.
- 1.6. There would be two new windows inserted to the ground floor side elevation (facing Green Road), a new window inserted into the side elevation (facing 1081 – 1083 Stratford Road) a new window inserted into the rear elevation. These alterations were previously approved under planning ref: 2018/02432/PA.
- 1.7. This application is reported to Planning Committee at the request of Councillor Robson. Since this request substantial objections have also been received.
- 1.8. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The site relates to a large two storey, detached property located on Stratford Road. The building is currently vacant and its previous use was an office (Use Class B1). The property is bound by residential properties to the west of the site along Green Road, and a car park and Wickes store to the south of the site. To the north of the site, there is a two storey semi-detached commercial property with a barbers and Asian sweet shop on the ground floor; details of the upper floor are unknown. Located beyond this, there is a three storey apartment block.
- 2.2. The site is located within the Primary Shopping Area of Hall Green Neighbourhood Centre. The surrounding area is commercial and residential in character.
- 2.3. [Site Location](#)

3. Planning History

- 3.1. 29/05/2018 – 2018/02432/PA – Change of use office (Use Class B1) to dwellinghouse (Use Class C3), erection of single storey rear and roof lights to rear – Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – No objection, recommendation for cycle storage provision to be included.
- 4.2. Regulatory Services – No objection.
- 4.3. West Midlands Police – Object to the application regarding the level of information submitted with the application; further details of site ownership, applicant details, HMO management plan, landlord training accreditation and support from Council departments expected. If minded to approve, to prevent 10 potential burglaries and further incidents/repeat victimisation and demand on the Police, conditions for security standards for internal and external doors and laminated glazing for all doors and windows (PAS 24).

4.4. Neighbouring residents, local Ward Councillors and Residents Associations have been consulted and a site notice displayed. 9 objections received from local residents raising concerns regarding:

- Further increase in traffic and parking problems on Stratford Road, Green Road and Southam Road
- Increase in road rage
- Lack of parking
- Lack of garden space
- Increase in crime and litter
- Increase in noise
- Increase in air pollution and impact on health
- Decrease in property value
- Safety of children/increased anxiety and stress for parents
- Impact on character of the area

5. Policy Context

5.1. Relevant Local Planning Policy:

- Birmingham Development Plan (BDP)
- Birmingham Unitary Development Plan (UDP) Saved Policies
- Specific Needs Residential Uses SPG

5.2. Relevant National Planning Policy:

- National Planning Policy Framework (NPPF)

6. Planning Considerations

6.1. This application has been assessed against the objectives of the policies set out above.

6.2. The main issues for consideration in the determination of this application are the principle of the development, the impact on the character of the area, on residential amenity and on highway safety and parking.

Policy, principle of development and impact on the character of the area

6.3. The NPPF contains a presumption in favour of sustainable development. Chapter 5 relates to delivering a sufficient supply of homes, the need to boost housing supply and offer a wide choice of quality homes. It notes that small sites can make an important contribution to the housing requirements of an area.

6.4. The BDP builds upon the principles of the NPPF, emphasising the housing need within the city. Whilst there is not a specific policy relating to HMOs, Policy TP27 'sustainable neighbourhoods' requires new housing in Birmingham to contribute to making sustainable places, by offering a wide choice of housing sizes, types and tenures to ensure balanced communities catering for all incomes and ages. Housing should be within easy access of facilities including shops, schools, leisure and work, conveniently located to travel by foot, bicycle or public transport and create a strong sense of place.

- 6.5. Saved policies 8.23 to 8.25 of the UDP relate specifically to houses in multiple paying occupation. Policy 8.24 states that in determining planning applications for HMOs, the following criteria are relevant; the effect on the amenities of the surrounding area and adjoining properties; the size and character of the property; the standard of accommodation; car parking facilities and local provisions. Policy 8.25 states that generally small terraced or small semi-detached properties used as HMOs will cause disturbance to the adjoining house and will be resisted. The impact of such a use would depend of the existing use of the adjoining properties and the ambient noise level in the immediate area.
- 6.6. The Specific Needs Residential Uses SPG states that the nature of occupants of a property is not a material planning consideration; the key issue in planning terms is the manner in which the property is occupied. It recognises that HMOs have a role to play in meeting the housing needs of certain groups in society. The SPG contains guidelines for internal standards for bedrooms where there is a kitchen/living room and a separate bedroom which are 6.5sqm for a single bedroom and 12.5sqm for a double bedroom.
- 6.7. The impact on the character of the area and neighbouring occupiers are key considerations in the determination of HMO applications. This part of Stratford Road contains a mixture of commercial and residential uses. The HMO Licence register has been reviewed and the closest property with a licence is at 641 Stratford Road approximately 1931.2m from the application site. There are also no pending licence applications within close proximity to the site. There would therefore be no cumulative impact of HMOs or an adverse impact on the character of the area.
- 6.8. The proposal would bring back this currently vacant commercial property unit into active use and would provide additional housing in the area. The site is within Hall Green Neighbourhood Centre with services, facilities and good public transport links available. I acknowledge the loss of a commercial property from the local centre, but it is not an empty retail use and consent was granted last year for a change of use to C3 residential.
- 6.9. The application site is a detached property which benefits from a large area to the rear providing parking and amenity space. This would avoid disturbance to neighbours, as there are no adjoining occupiers, whilst the parking area would be self-contained and offer ample off-street parking. I do not consider that this change of use would impact on the character of the local area. It should be noted that the previous use of the site as offices would have generated a level of comings and goings. It should be noted that as consent has been given for a C3 residential use, up to 6 people could occupy the property without any further planning consent required.

Residential amenity

- 6.10. The property would provide 10 bedrooms, measuring between 8.6 sqm and 15.8 sqm each with an en-suite bathroom, which exceed the minimum standard of 6.5sqm for a single bedroom. There would be two kitchen/lounge areas; one on the ground floor measuring 28.4 sqm and one on the first floor measuring 20 sqm. Both exceed what is required by BCC HMO Licencing for a 10 bedroom property, at 24.5sqm. The adopted SPG 'Specific Needs Residential Uses' advocates that 16 sqm of amenity space should be provided per resident, equating to 160 sqm. The property would have 45.9 sqm of private amenity space which is below the guidance however I do not consider that this would be sufficiently detrimental to warrant refusal of the application.

- 6.11. In view of the detached nature of the building I do not consider that there would be any direct noise disturbance to neighbouring occupiers. The proposal complies with the distance separation guidelines contained in 'Places for Living' and there would be no adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of privacy or overlooking. The proposal would provide adequate residential amenity to future occupiers, whilst not compromising that of neighbouring residents.

Crime

- 6.12. I note an objection has been received from West Midlands Police, particularly relating to the level of information that has been submitted with the application. Examples of information requested by WMP include: management plan for the HMO, support from other departments within the Council and details of Landlord Accreditation Training. This level of information would not be required for the assessment of the application as it is outside the scope of Planning and would be unreasonable to request. WMP have also raised concerns about incomplete building works which could be the subject of an enforcement case. I can confirm there is no enforcement case on file; the works which are being carried out at the property were previously agreed under planning ref: 2018/02432/PA.
- 6.13. Whilst crime and fear of crime are planning considerations, the 'Specific Needs Residential Uses' SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration and that HMO accommodation has a role to play in providing housing for certain groups in society. It is acknowledged that the overconcentration of HMOs can impact upon residential amenity and community cohesion, however it is important to emphasise that the behavior of HMO tenants is not a matter for planning authorities. It should also be noted that this area is not characterized by HMOs, so there is no issue with over concentration. Furthermore it is also important to stress that there is no evidence that occupiers of HMOs are inherently more likely to participate in criminal and anti-social behavior. In light of this and the above assessment in terms of an over concentration of HMOs in the locality, it is considered that a refusal on the grounds of crime and fear of crime could not be sustained. To enhance security and safety, I recommend that a condition is attached for CCTV.

Highway safety and parking

- 6.14. Local residents have raised concerns about the on-going traffic and parking issues which affect the surrounding rounds to the application site. Transportation Development have been consulted on the proposal and have raised no objection, as the site would benefit from 8 off-street parking spaces and there are on-street parking options available with additional good public transport links nearby. I recommend attaching a condition requiring the 8 spaces to be laid out in the car park prior to occupation of property to ensure that these spaces are provided. Transportation Development consider that it is unlikely that the proposed change of use would lead to an increase in traffic and parking demand notably greater than the previous use as a commercial office. Secure and sheltered cycle storage has been requested to encourage residents to consider this an alternative mode of travel. I consider that the site frontage has sufficient space to accommodate cycle storage and recommend attaching this condition.

Other matters

6.15. Local residents have raised concerns about how the proposal could impact property values in the area. This is a non-planning matter and therefore cannot be taken into consideration.

6.16. In response to concerns raised about a potential increase in air pollution and impact on health. Regulatory Services have raised no objection the application.

7. Conclusion

7.1. The proposed change of use would be fully in accordance with the objectives of the policies outlined above. The objections raised are recognised and acknowledged, however the principle of development would be acceptable in this location. The application would not cause an over-concentration of HMOs within this vicinity, and with the amendments made, would have an acceptable impact upon residential amenity, highway safety and parking. The objection from West Midlands Police is noted, however the nature of the objection is not a material planning consideration and HMO accommodation has a role to play in providing housing for certain groups in society.

8. Recommendation

8.1. Approve subject to conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | Limits the number of residents to 10 people |
| 3 | Requires the submission of cycle storage details |
| 4 | Requires the submission of a CCTV scheme |
| 5 | Requires the parking area to be laid out prior to use |
| 6 | Implement within 3 years (Full) |
-

Case Officer: Laura Reid

Photo(s)



Front Elevation – Stratford Road

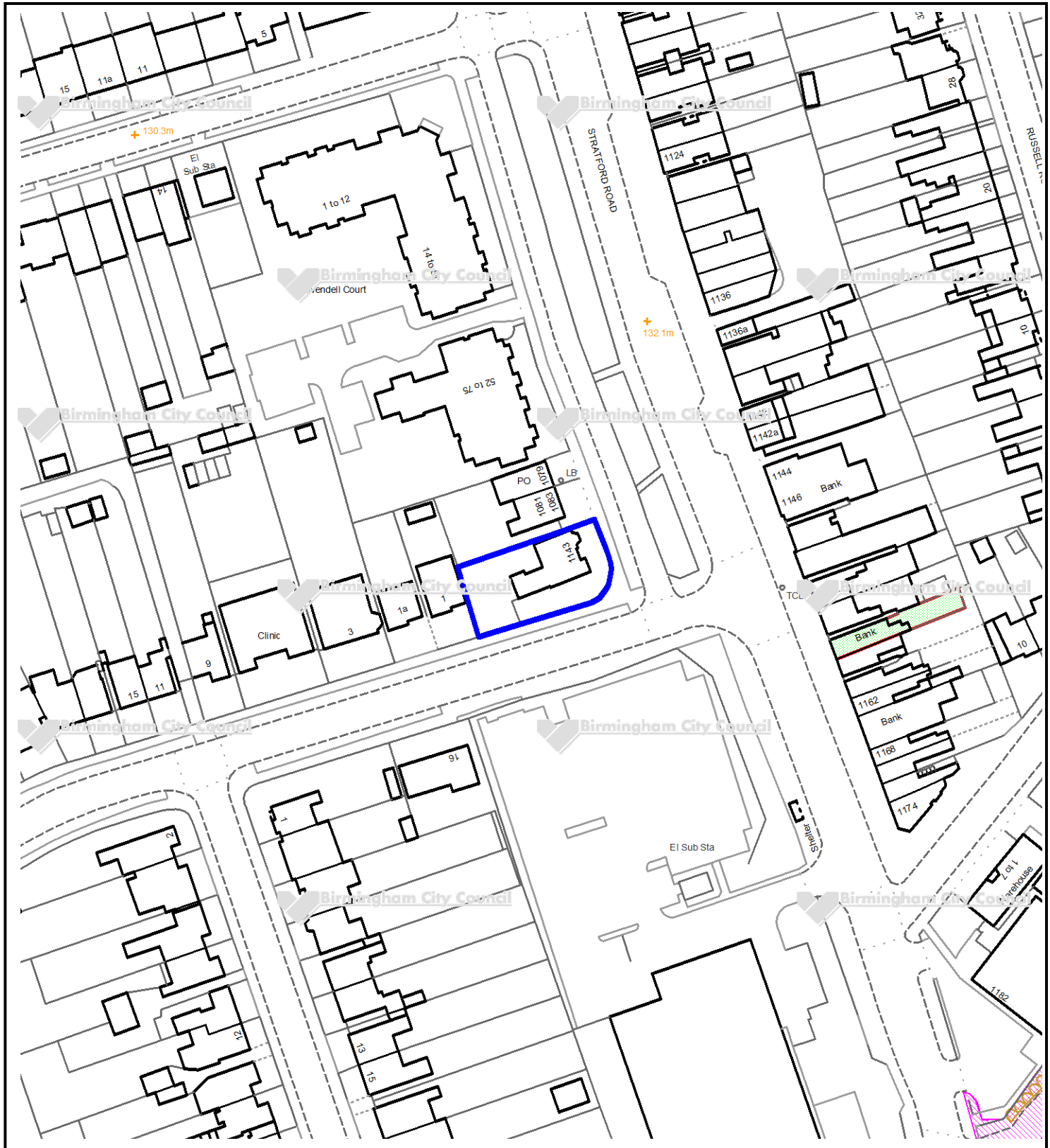


Side Elevation – Green Road



Area to the rear

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/05184/PA
Accepted:	15/07/2019	Application Type:	Full Planning
Target Date:	22/11/2019		
Ward:	Bournbrook & Selly Park		

61 Kitchener Road, Selly Oak, Birmingham, B29 7QE

Change of use from dwellinghouse (Use Class C3) to a 3 bedroom House in Multiple Occupation (HMO) (Use Class C4)

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Change of use from a dwellinghouse (Use Class C3) to a 3 bedroom House in Multiple Occupation (HMO) (Use Class C4).
- 1.2. The requirement for this application has arisen due to an Article 4 Direction within which the application site is situated, which states that development consisting of a change of use of a building to a use falling within Use Class C4 (house in multiple occupation) from a use falling within Use Class C3 (dwellinghouse) would require planning permission.
- 1.3. The ground floor would comprise a lounge (9sqm), dining room (11sqm), kitchen (6.3sqm) and bathroom (3.7sqm). The first floor would comprise 3 bedrooms (9.5sqm, 8.5sqm and 7.5sqm). An outdoor amenity space of 43sqm is provided to the rear.
- 1.4. The proposal relates to minor internal alterations only and no external alterations are proposed.
- 1.5. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site comprises a traditional mid-terraced property designed with a ground floor bay window feature and a two storey wing to the rear. The property is located within a residential street which is characterised mainly by properties of a similar architectural style, in use as family and student accommodation. The River Rea is located 120m to the east and the site falls within Flood Zone 3. There is a large recreation ground to the north of the site.
- 2.2. [Site Location](#)

3. Planning History

- 3.1. No planning history.

4. Consultation/PP Responses

- 4.1. Local councillors, residents associations and neighbouring properties were consulted and a site notice was displayed. 4 objections were received raising concerns regarding the concentration of HMO's within the area, impact on vulnerable residents, crime, noise and disruption at anti-social hours, parking and highways safety issues and concerns regarding the potential occupants of the HMO.
- 4.2. Community Partnership for Selly Oak (CPS4O) – objection based on the impact the HMO would have on the character of the area, parking and traffic issues, impact on local utilities including water and sewerage, refuse collection, pressure on local amenities, loss of family housing, contribution to unbalanced communities, social breakdown and the cumulative impact on the community.
- 4.3. Selly Oak Branch Labour Party – objection based on increased parking issues, rubbish dumping and strain on basic services such as sewage and water.
- 4.4. Environment Agency – no objection subject to a condition requiring the implementation of a flood response plan.
- 4.5. Regulatory Services – no objection.
- 4.6. Transportation Development – no objection subject to a condition recommending the installation of secure and sheltered cycle storage.
- 4.7. West Midlands Police – no objection. There have been 51 calls to the area in the last 12 months, resulting in 12 recorded crimes, including 3 burglaries and 2 vehicle crimes on Kitchener Road. Due to the large student population in Selly Oak, the area is subject to a high number of burglaries, as student homes contain valuable items and collectively students do not do enough to look after their homes making them an easy target. Recommendation for all doors to PAS 24 or equivalent and an alarm is fitted.

5. Policy Context

- 5.1. The following local policies are applicable:

- Birmingham Development Plan (2017)
- Birmingham Unitary Development Plan 2005 (Saved Policies)
- Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards (2014)
- Places for Living SPG (2001)
- Specific Needs Residential Uses SPD

The following national policy is applicable:

- National Planning Policy Framework (NPPF) (2019)

6. Planning Considerations

Policy

- 6.1. In normal circumstances, the conversion from a C3 use to a C4 use is permitted development and owners of properties would normally have no need to inform the Local Planning Authority that a family dwelling is changing to a small House of Multiple Occupation (HMO). However, in November 2014, an Article 4 Direction was brought into effect that removes these permitted development rights within a designated area of Selly Oak, Edgbaston and Harborne wards. The application site falls within this area.
- 6.2. The decision to introduce an Article 4 Direction in this area resulted from an analysis of city wide concentrations of HMOs revealing the particularly high levels found in Bournbrook and the spread to surrounding areas of Selly Oak, Harborne and Edgbaston wards.
- 6.3. The policy accompanying the Article 4 direction 'Houses in Multiple Occupation in the Article 4 Direction Area of Selly Oak, Edgbaston and Harborne Wards' which was adopted by the Local Planning Authority in September 2014 aims to manage the growth of HMOs by dispersing the locations of future HMOs and avoiding over-concentrations occurring, thus being able to maintain balanced communities. It notes that the neighbourhoods included in the confirmed Article 4 area have capacity to accommodate further HMOs in the right locations.
- 6.4. Policy HMO1 states the conversion of C3 family housing to HMOs will not be permitted where there is already an over concentration of HMO accommodation (C4 or Sui Generis) or where it would result in an over concentration. An over-concentration would occur when 10% or more of the houses, within a 100m radius of the application site, would not be in use as a single family dwelling (C3 use). The city council will resist those schemes that breach this on the basis that it would lead to an overconcentration of such uses.
- 6.5. Should the application not cause an over concentration, or the exacerbation of an existing over concentration, the city council will then apply the existing policies that apply to HMOs city wide in determining planning applications for C4 HMOs, as well as large HMOs in the Article 4 Direction area. The proposal would also need to satisfy these criteria in order to be granted planning consent.
- 6.6. Applications for change of use to HMO's are assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality. Policy 8.25 also states that "where a proposal relates to a site in an area which already contains premises in a similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area".

Principle of Development

- 6.7. The most recent data available to the Local Planning Authority identifies that within 100m of 61 Kitchener Road, there are 140 residential properties. Of these properties, 12 are currently identified as HMO's, with a total figure of 13 including the application property. This equates to 9.3% of houses within 100m of the application site. Given that this percentage falls under the 10% level as referred to in Policy HMO1, officers consider that the addition of the proposed development would not result in an overconcentration of HMO's in this particular area. The principle of the

change of use from a dwellinghouse to a 3 bedroom HMO is therefore considered acceptable in this location.

Layout and Size

- 6.8. The Specific Needs Residential Uses SPG states that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom 6.5 sq.m,
 - Double bedroom 12.5 sq.m.
- 6.9. The applicant property contains two floors with bedrooms on the first floor and a shared kitchen, living room, dining room and bathroom on the ground floor. All of the bedrooms would exceed the minimum standards set out in the Specific Needs Residential Uses SPG guidance for single bedrooms. The shared kitchen, lounge and dining room is of an acceptable size for 3 residents. 1 of the 3 bedrooms contains an en-suite bathroom, with an additional shared bathroom provided on the ground floor.
- 6.10. In light of the above, officers consider that the internal residential environment for occupiers would be of an acceptable standard.
- 6.11. With regards to the external residential amenity of occupiers, the Specific Needs Residential Uses SPG advocates that 16sqm of amenity space should be provided per resident, which equates to 48sqm in total. The site would provide 43sqm of amenity space, which though a minor shortfall of 5sqm, this is not considered to cause an unacceptable level of residential amenity for occupiers. Furthermore, given that the existing amenity space already falls short of the 70sqm standard for family accommodation, as specified in 'Places for Living' SPG, officers do not consider that this 5sqm shortfall would worsen the existing situation in terms of the standard of external residential amenity.

Flood Risk

- 6.12. The application site is situated 120m to the west of the River Rea and is located within flood zone 3. As originally submitted, the application was for the change of use to a 4 bedroom HMO which included a bedroom at ground floor level. Environment Agency officers were consulted and objected to this proposal on flood risk grounds. Officers considered that the flood risk assessment submitted did not meet the requirements for site specific flood risk assessments, as set out within the Flood Risk and Coastal Change section of the National Planning Policy Guidance. Amended plans have since been received and the ground floor bedroom has been removed, with the existing lounge to be retained. Due to the changes made to the proposed development, the public consultation period was repeated.
- 6.13. In light of the amended plans submitted and the removal of the bedroom at ground floor level, Environment Agency officers have now withdrawn their objection. The removal of the proposed bedroom at ground floor level would reduce the impact that flooding would have on the future occupiers of the property, as there will be no sleeping at ground floor. In addition, the reduction in the number of bedrooms (4 to 3) means that the proposal would not significantly increase the number of people at risk of flooding in the area, compared to the existing use. Furthermore, given that the

proposed use falls within the same vulnerability category ('more vulnerable') as the existing use, officers consider that the proposed development would not exacerbate the impact that flooding would have on the occupiers of the property.

- 6.14. In light of the above and given that the Environment Agency have withdrawn their objection, officers consider that the proposed development is now acceptable in relation to flood risk, subject to the condition recommended by the Environment Agency.

Highway Safety and Parking

- 6.15. The applicant property is a mid-terraced house with no off street parking spaces provided. BCC Transportation Development officers have raised no objection to the proposal on highways safety and parking grounds. Officers do not consider that the proposed change of use would cause a significant impact on traffic and parking demand at this location. In addition, whilst there is no off street parking provided, parking on the street is largely unrestricted and there are good public transport links within close walking distance.

Noise and Disturbance

- 6.16. BCC Regulatory Services officers have raised no objection to the proposed development. Officers consider that the proposed change of use, in comparison to the existing use, would not cause noise and disturbance issues over and above the existing use and would not therefore cause detrimental impact on the amenities of the occupiers of neighbouring properties.

Character and Appearance

- 6.17. There would be no external alterations proposed to the property therefore there would be no impact on the character and appearance of the existing building or surrounding area.

Other Matters

- 6.18. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. The proposed development is recommended for approval as it complies with the policies set out above.

8. Recommendation

- 8.1. Approve subject to conditions.

-
- | | |
|---|--|
| 1 | Requires the submission of cycle storage details |
| 2 | Requires the implementation of the Flood Risk Assessment |
| 3 | Limits the number of residents to 3 people |
-

4 Requires the scheme to be in accordance with the listed approved plans

5 Implement within 3 years (Full)

Case Officer: Thomas Morris

Photo(s)



Photo 1: Site Location

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/07789/PA
Accepted:	04/10/2019	Application Type:	Full Planning
Target Date:	29/11/2019		
Ward:	Hall Green South		

77 Etwall Road, Hall Green, Birmingham, B28 0LF

Change of use from residential dwelling (Use class C3) into 8-bed HMO (Sui Generis).

Recommendation

Approve subject to Conditions

1. Proposal

- 1.1. Planning consent is sought for the proposed change of use of the property from a residential dwelling (Use Class C3) to an 8 bedroom House in Multiple Occupation (HMO) (Sui Generis) at No.77 Etwall Road, Hall Green.
- 1.2. It is proposed to carry out internal alterations to the layout of the property at both ground floor and first floor level with the installation of and removal of partition walls. The resulting proposed internal layout would provide the following accommodation:
 - **Ground floor:** 4 bedrooms with floor areas ranging between 17.26 square metres and 7.1 square metres (each bedroom having an en-suite), a communal kitchen/dining room with a floor area of 27.05 square metres and a separate living room with a floor area of 8.75 square metres.
 - **First floor:** 4 bedrooms with floor areas ranging between 12.25 square metres and 9.1 square metres (each bedroom having an en-suite).
- 1.3. To the rear of the site, within the garden area, is a detached outbuilding which is used as a gym and for storage space. This has a floor area of 64.8 square metres.
- 1.4. The only external alteration proposed to the property involves the removal of the existing garage door to the front and alterations to the fenestration detail.
- 1.5. To the front of the property there is a sizeable driveway for off street parking.
- 1.6. A garden with an area of approximately 320 square metres is provided to the rear.
- 1.7. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site consists of a rendered detached property with a hipped roof design. The property is located within a predominantly residential area which largely comprises of semi detached dwellings which share similar architectural details. The property has previously been extended to the side and rear. The dwelling benefits

from a generously sized garden to the rear with a detached outbuilding at the rear of the site.

2.2. [Site Location](#)

3. [Planning History](#)

3.1. 16/12/1971 – 34653000 – Permission granted for alterations to dwelling house.

3.2. 14/10/1999 – 1999/04134/PA – Permission granted for erection of rear single storey extension.

Enforcement history:

3.3. 2019/0976/ENF – Alleged unauthorised development works and concerns relating to change of use to a HMO – Case closed.

4. [Consultation/PP Responses](#)

4.1. Transportation Development – no objections subject to a condition for secure cycle storage to be installed.

4.2. Regulatory Services – no objections.

4.3. West Midlands Police – no objections. Recommended that work is carried out to the standards within the Secured by Design guide.

4.4. Neighbours and local ward councillors were consulted for the statutory period of 21 days and a site notice displayed. 44 individual letters of objection have been received from local residents along with objections from Roger Godsiff and Cllr Huxtable. These objections are based upon the following issues:

- The use of the property would be inappropriate for this street and is out of keeping with the character of the area.
- The site is within an area comprising of quiet single family dwellings.
- Impact of the nature of the community in Hall Green.
- The accommodation provided would be cramped.
- The proposal represents an over-development of the site.
- Increased population density within Etwall Road.
- Parking issues.
- Existing parking problems relating to the proximity of the site to Yardley Wood station and the local mosque.
- Increase in traffic.
- Impact upon emergency services and bin collection accessing the road.
- Loss of green spaces and grass verges due to increased parking pressure.
- It would set a precedent for similar developments.
- Noise and disturbance caused.
- Potential increase in anti-social behaviour.

5. [Policy Context](#)

5.1. The following local policies are applicable:

- Birmingham Development Plan (BDP) 2017.

- Birmingham Unitary Development Plan 2005 (Saved Policies).
- Places For Living 2001.
- Specific Needs Residential Uses.

- 5.2. The following national policies are applicable:
- National Planning Policy Framework (2019).

6. Planning Considerations

- 6.1. This application has been assessed against the objectives of the policies as set out above.
- 6.2. The National Planning Policy Framework (NPPF) seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. It promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also seeks to boost housing supply and supports the delivery of a wide choice of high quality homes, with a mix of housing (particularly in terms of type/tenure) to create sustainable, inclusive and mixed communities.
- 6.3. Policy TP27 of the Birmingham Development Plan also states that new housing in Birmingham is expected to contribute to making sustainable places. All new development will need to demonstrate that it is meeting the requirements of creating sustainable neighbourhoods. Policy TP28 of the plan sets out the proposed policy for housing location in the city, noting that proposals should be accessible to jobs, shops and services by modes of transport other than the car.
- 6.4. Applications for change of use to Houses in Multiple Occupation also need to be assessed against criteria in saved policies 8.23-8.25 of UDP and Specific Needs Residential Uses SPG. The criteria includes; effect of the proposal on the amenities of the surrounding area and adjoining premises, size and character of the property, floorspace standards, amount of car parking and the amount of provision in the locality. Policy 8.25 also states that 'where a proposal relates to a site in an area which already contains premises in a similar use, and/or properties converted into self-contained flats, and/or hostels and residential care homes, and/or other non-residential uses, account will be taken of the cumulative effect of such uses upon the residential character and appearance of the area'.
- 6.5. The specific needs residential uses SPG is clear that the nature of the type of people to occupy the premises is not a material planning consideration, and that HMO accommodation has a role to play in providing housing for certain groups in society. The SPG guidelines for internal standards for people having a bedroom and shared living rooms and kitchen are:
- Single bedroom – 6.5 square metres
 - Double bedroom – 12.5 square metres
- 6.6. The application dwelling comprises of a sizeable two storey detached dwelling set within a plot which provides a generously sized private rear garden and in a sustainable location. Planning permission would not be required to change the use of the property from a residential dwelling (Use Class C3) to a small scale HMO (Use Class C4). The current permitted fall back use of the property is for 6 bedrooms so the assessment for this application is whether an additional 2 extra

bedrooms would have a detrimental impact on the amenities of the surrounding area. The change of use of the building is in keeping with the residential character of the surrounding area. There are no other registered HMOs within 100m of the application site. Whilst Etwall Road does mainly consist of single family dwellings, the proposed change of use to a HMO would not result in a cumulative harmful impact in terms of the loss of family housing or the loss of this general character. The property is located within a short walk of Yardley Wood railway station and local shops and services on Highfield Road. I therefore consider that the principle of a change of use to a house in multiple occupation is acceptable.

- 6.7. The proposed development would involve very minor external works to the front of the building with the conversion of the existing garage to a habitable room and the installation of a window in place of the garage door. A set of amended plans have been submitted to omit plans for a second entrance to the building. I do not consider that the proposed works would have a harmful impact upon the visual quality of the building or the surrounding area. I note that these works, and the conversion of the garage, could be carried out without the need for planning permission.
- 6.8. The eight bedrooms provided within the property have a floor space of between 17.26 square metres and 7.1 square metres. All rooms would have en-suite facilities provided. Each of these rooms either comfortably exceeds or meets with the standards for single bedroom sizes set out for HMOs within the Specific Needs SPG. Suitable communal facilities would be provided at the property with the kitchen/dining room and lounge having a combined floor area of almost 36 square metres. I consider that this provide an appropriate level of general living space for 8 residents. In addition to this, a large detached outbuilding is provided within the rear garden with a floor area of 64.8 square metres which provides additional communal living space. I therefore do not consider that the proposal would represent an over-intensive use of the site.
- 6.9. In terms of the residential amenity of future occupiers of the premises, adopted SPG 'Specific Needs Residential Uses' advocates that 16 square metres of amenity space should be provided per resident equating to 128square metres. The property has a rear garden with an area of approximately 320 square metres which comfortably exceeds this amount and provides a large private amenity area for residents.
- 6.10. In view of the detached nature of the building I do not consider that there would be any noise disturbance to neighbouring occupiers above that of a traditional residential property. My Regulatory Services Officer has raised no objections to the change of use of the building and I do not consider that the proposed development would raise any issues in terms of noise disturbance to resist such a proposal.
- 6.11. I note that a significant number of the objections raised in relation to the proposed scheme relate to parking issues within Etwall Road and the impact the proposed development would have in terms of exacerbating these issues. Notwithstanding these concerns I do not consider that there are grounds to recommend refusal of the application in relation to this matter. Transportation Development have raised no objections to the proposal. The property benefits from a generously sized paved driveway to the front which offers off street parking. The site is located 0.2 miles from Yardley Wood railway station with regular train services to the City Centre throughout the day. It is not considered that traffic and parking demand associated with the proposed use would differ notably to that of a large 4 bedroom family house. Due to the local public transport links a range of transport options would be available

to residents. A condition is also attached for secure cycle storage to be provided to encourage this alternative use.

- 6.12. Whilst I note that concerns have been raised in relation to a potential increase in anti-social behaviour, West Midlands Police have raised no objections in relation to the proposal. The property has outdoor lighting and a front door device to assist with callers at the door which provides a greater level of security. I do not consider that the proposed development would raise any crime related issues.
- 6.13. No CIL form has been submitted, however, the proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. This application is recommended for approval. The change of use of the building would not have a harmful impact upon the character of the surrounding area or highway safety and parking. I therefore do not consider that there are sustainable grounds upon which to recommend refusal of the application.

8. Recommendation

- 8.1. Approval subject to the following conditions:

-
- | | |
|---|--|
| 1 | Requires the scheme to be in accordance with the listed approved plans |
| 2 | A maximum of eight persons' occupancy |
| 3 | Requires the submission of cycle storage details |
| 4 | Requires that the materials used match the main building |
| 5 | Implement within 3 years (Full) |
-

Case Officer: George Baker

Photo(s)

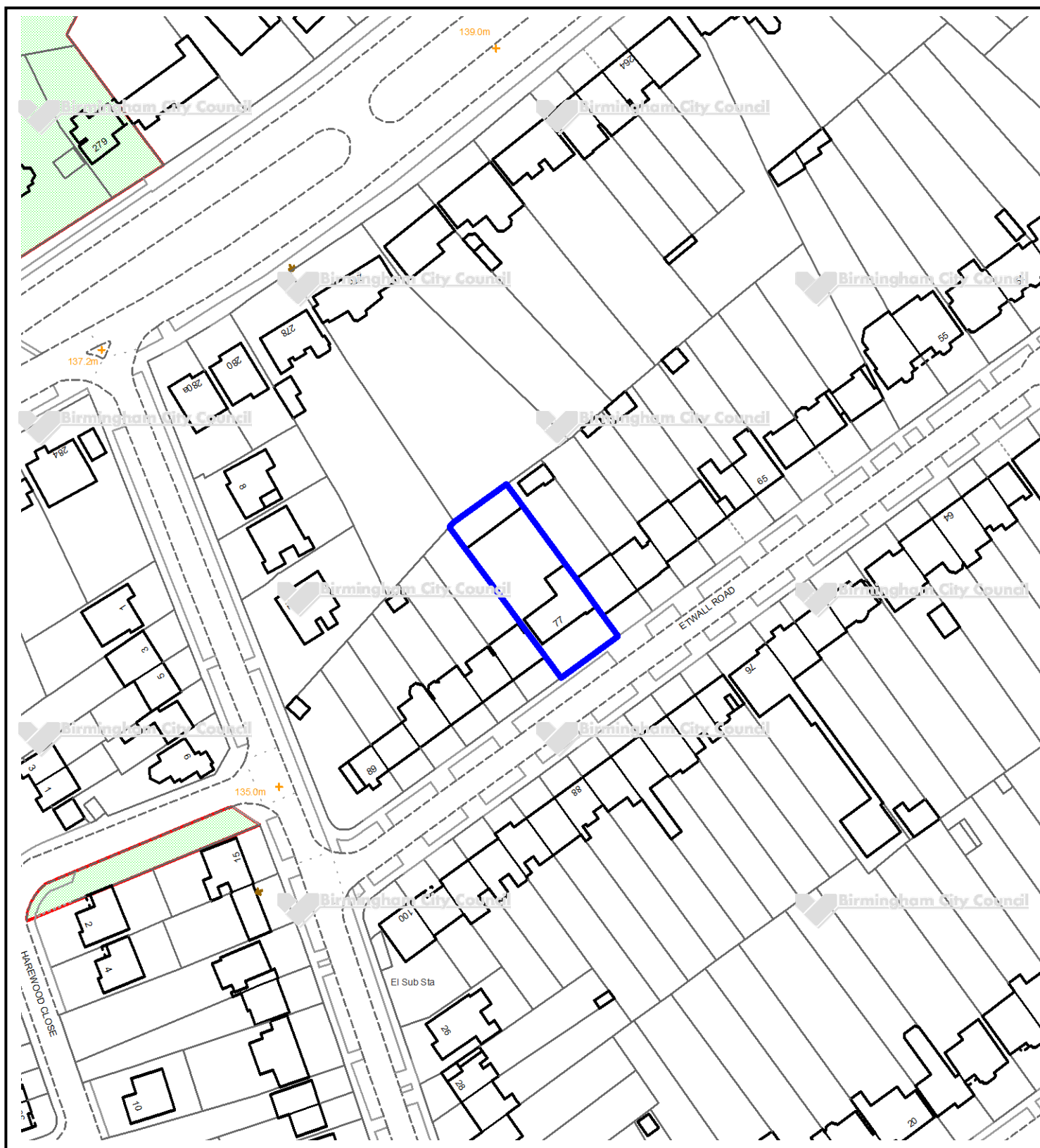


Figure 1 – Front elevation



Figure 2 – Street scene

Location Plan



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Birmingham City Council

Planning Committee

19 December 2019

I submit for your consideration the attached reports for the **East** team.

<u>Recommendation</u>	<u>Report No.</u>	<u>Application No / Location / Proposal</u>
Approve – Subject to 106 Legal Agreement	27	2019/06329/PA Land at Shaftmoor Lane Birmingham B28 8SW Outline application with all matters reserved (except access) for up to 301 residential dwellings.
Approve – Conditions	28	2019/09135/PA 63 Orchard Road Erdington Birmingham B24 9JB Erection of single storey rear extension
Determine	29	2019/05732/PA 71 Severne Road Acocks Green Birmingham B27 7HJ Erection of single storey rear extension

Committee Date:	19/12/2019	Application Number:	2019/06329/pa
Accepted:	29/07/2019	Application Type:	Outline
Target Date:	28/10/2019		
Ward:	Tyseley & Hay Mills		

Land at, Shaftmoor Lane, Birmingham, B28 8SW

Outline application with all matters reserved (except access) for up to 301 residential dwellings.

Recommendation

Approve Subject to a Section 106 Legal Agreement

1. Proposal

- 1.1. This proposal represents an outline application with all matters reserved except access in order to establish the principle of the whole site being suitable for residential development.
- 1.2. The applicant has sought to fix the number of dwellings to a maximum of up to 301 dwellings.
- 1.3. This outline application has been supported with a red line outline plan with detailed access arrangements. Two access points are proposed, one from Spring Road and one from Shaftmoor Lane. Access details of the entrance radii have been provided as part of the submission.



Extract: from Google maps showing application site with original Rolls Royce building

[Link to Documents](#)

1.4. The application is supported by the following:

- Planning application form and ownership certificates
- Site location plan/masterplan with site parameters
- Design and access Statement
- Statement of community Involvement
- Ecological Surveys Dated November 201 and February 2019
- Aborocultural Assessment
- Archaeological Desk based assessment
- Transport statement and Travel Plan
- Flood Risk assessment and SUDS Strategy
- Noise Assessment
- Air Quality Assessment
- Geo Environmental Assessment and site investigation Report
- Post Reclamation Topographical Survey
- Remediation Extents Plans
- Viability Statement
- Sustainability Statement

2. Site & Surroundings

- 2.1. The site extends to just over 8 hectares and previously accommodated industrial premises for both Lucas Aerospace and Rolls Royce. The site is fairly level when viewed from Shaftmoor lane and rises towards the centre before levelling again towards Spring Road. In this central area (Western boundary) there is a retaining wall between the site and the existing commercial uses. There is also a slight fall from west to east across the site.
- 2.2. To the North of the site is Spring Road where there is an existing site entrance and to the Southeast is Shaftmoor Lane where there is another site entrance to the original industrial premises. Located to the East is Spring Road railway station that connects the area to the city and beyond.
- 2.3. The nearest facilities are located in Spring Road where there are independent shops, a petrol station and a supermarket.
- 2.4. Both the previous factory premises of Lucas and Rolls Royce have now closed with the former Lucas factory site being both cleared and remediated/levelled and the

Rolls Royce factory being presently cleared and remediated. It is noted that the area generally surrounding the site is predominately residential in nature.

SITE LOCATION

3. Planning History

- 3.1. 06.02.2009 - 2008/06278/PA - Outline retirement village (Part of site) – Withdrawn.
- 3.2. 04.02.2011 – 2009/03352/PA - Outline retirement village (Part of site) – Refused. Appeal – Withdrawn.
- 3.3. 26.07.2012 - 2011/06775/PA – Outline for demolition of buildings and construction of 120 residential units (Part of site) – Approved.
- 3.4. 26.07.2012 – 2011/06776/PA – Demolition of building and erection of a supermarket and 120 units access parking and landscaping – Approved.
- 3.5. 28.09.2018 – 2018/06816/PA – Prior Notification for Demolition – prior approval not required.
- 3.6. 17.04.2019 – 2018/09505/PA – Site works and site remediation following demolition – Approved.

4. Consultation/PP Responses

- 4.1. Transportation Development – Access points are agreed in principal. Revised access details have been provided to accommodate residential design requirements.
- 4.2. Highways Agency – No objections.
- 4.3. Environment Agency – No objections.
- 4.4. Regulatory Services – No objections, subject to contamination reports and provision for noise mitigations on reserved matters
- 4.5. LLFA- comments awaited
- 4.6. Severn Trent - No objections, subject to the inclusion of drainage conditions.
- 4.7. West Midlands Police – No objections, suggest ‘secure by design standards’.
- 4.8. West Midlands Fire Service – No objections – Informative suggested – ‘Water supplies for firefighting should be in accordance with National Guidance Document on the Provision for Fire Fighting’ published by Local Government Association and Water UK: The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.
- 4.9. Sport England - in this instance would encourage contributions to support facilities at Fox hollies sports centre and pitch provision.

- 4.10. Leisure Services – Quantum of POS and play space is required for the development given no details of where these are to be provided BCC require off site provision for improvements for POS and Fox Hollies park off site contribution of £915,675.00.
- 4.11. Site and press notice posted.
- 4.12. 3 comments received (1 in support).
- 4.13. Concerned about the highways parking levels provided on this layout given this is a sustainable location adjacent to railway station and impact on the character of the area.
- 4.14. Support redevelopment of the site as it would be an improvement - Would like to have one of the properties.

5. Policy Context

- Birmingham Plan 2017
- Saved UDP Policies
- Places for All
- Places for Living
- Car Parking SPD
- National Planning Policy Framework (NPPF) 2019

6. Planning Considerations

Background to scheme/Developer

- 6.1. The site has been brought together by the Government Agency 'Homes England' who are tasked in bringing forward residential schemes where previous development has previously stalled. If consent is granted, Homes England will be charged with appointing a 'developer partner' to bring forward detailed proposals. The developer will be charged with ensuring the development be brought forward in line with any planning permission requirements.
- 6.2. Homes England also request that any developer would be bound by the set of parameters of 'Building for Life 12 Design Scheme' which is a Government industry standard for well-designed homes and neighbourhoods and represents housing accounted for by the New Homes Bonus.

Principle

- 6.3. The National Planning Policy Framework 2019 and Birmingham Development Plan (2017) stress the importance of the re-use of previously developed land and its accessibility to public transport to secure well placed, sustainable residential development. Sustainable development encompasses social, economic and environmental perspectives.
- 6.4. Policies PG3, TP27 and TP30 contained within the current development plan, saved policies 3.14-3.14D contained within the saved Birmingham UDP and guidance within adopted Supplementary Planning Guidance Places for All and Places for Living are applicable in this case.

- 6.5 It is the link that connects the NPPF 2019 and the adopted Birmingham Plan that new development should also provide good quality residential accommodation that builds upon local character, whilst not detrimentally impacting upon the character and quality of the residential environment to existing residents in the area.
- 6.6 Members will appreciate from the planning history of the site that there is history of industrial and later consents, (post clearance) relating to retail and residential permission. It should also be noted that the site appears as part of the Strategic Housing Land Availability Assessment (SHLAA) as land suitable to come forward for residential development in this plan period. Part of the site has already been remediated and the recent demolition and site reclamation forms the remaining part of the site which was the Rolls Royce factory that has since relocated. This is a brownfield site which is considered suitable to support the principle of residential re-development.
- 6.7 The density of the development, taking into account the site area and the provision of 1.1ha of open space (reserved for approval at detailed stage and 0.25ha of which set aside for SUDS), would equate to 37 dwellings per hectare. This is considered appropriate within the context of the surrounding area. This has been detailed within the supporting documentation.

Design and Appearance/Character of the Location

- 6.8. Members will note that this is an outline application and as such the applicant is just seeking consent for the principle of the whole site for residential purposes, hence no formal design of the dwellings have been provided. The submission does contain detailed access arrangements for the two entrances to the site.
- 6.9. The applicant has also provided an informal sketch scheme which indicates that a successful scheme could be achieved with a quantum of 301 dwellings along with 1.1ha of open space (including 0.25ha for SUD's), with the access points. Members will appreciate that the resulting site would need to provide a successful layout to ensure permeability and accommodate appropriately located open space, SUDS, along with landscaping which are contained in matters reserved for future approval.
- 6.10. The layout, design/appearance, landscaping and scale of the development can be adequately conditioned which would help to ensure an acceptable appearance in the context of the wider locality. It is considered that this site will have a positive impact on the character of the location and on the local environs and would be in accordance with policy PG3 of the Birmingham plan.

Transport and Highway impacts

- 6.11. Members will note that the development is in outline form. Details have been provided in terms of the use of two of the existing industrial access points. One access from Spring Road and one access from Shaftmore Lane. It is clear that the access arrangements currently suitable for industrial/commercial uses; are wider than a standard residential development would require.
- 6.12. Indicative details have been provided for access and circulation within the site. Both a Transport Statement and Residential Travel plan have been submitted in support of the application. The Transport Statement includes projected existing/proposed trip generation for the site using data from industry standard database TRIC's based on projections of the new development as opposed to the previous development.

- 6.13. The analysis suggests that the development based on 301 dwellings would be favourable in terms of peak hour movements and this is supported by the highly sustainable location and the associated Residential Travel Plan.
- 6.14. Members will also be aware of the advice and guidance in the NPPF which suggests that development should only be turned down should the cumulative impacts of the development be severe.
- 6.15. Transportation Development raises no objection to the scheme in terms of the principle or in fact to the use of the existing access points from Shaftmoor Lane and Spring road. In accordance with Transportation requests, detailed designs of the access points and associated tracking have been provided.
- 6.16. It is considered that the prospective impact of trips from the proposed residential use on network performance would consequently be unlikely to result in a demonstrably severe impact upon the surrounding highway network. Concerns have been raised in terms of parking levels and associated traffic impacts of the development. However, the final parking levels are not fixed at this stage. Given, this sustainable location (adjacent to the railway station) , it is considered that conditions would be reasonable and necessary to ensure final design of the layout and parking standards for the masterplan and layout, which ensures the development complies with vehicular and pedestrian safety and policy TP44 of the Birmingham Plan.

Landscaping/Trees

- 6.17. The landscape officer has considered the scheme and has recommended that conditions be applied to detail any planted areas to ensure robust and suitable species are proposed. These would be secured through the detail reserved matters; these can also be effectively linked to the potential to increase biodiversity potential of the site.
- 6.18. The Tree officer has commented on the proposal and finds no statutory tree protection within the site. The site was previously industrial and, typically for the use, has very few trees within. The most significant existing trees are between the car parking area at the north of the site and Spring Road. The outline application appears to offer reasonable scope for future tree canopy in a residential setting and this is a marked improvement when compared to the previous use where the coverage was typical of industrial.

Ecology

- 6.19. The application has been supported with a detailed ecological survey, required in accordance with Policy TP8 of the Birmingham Plan. Members will note that the site already consists of a cleared site and further remediation works for the removal of the existing building/factory unit are underway. The ecological report finds no evidence of any protected species or suitable nesting sites of birds, etc.
- 6.20. Your ecologists have considered the site and the ecological report and have noted that the site and the adjacent demolition has its own remediation and ecology condition which should ensure that biodiversity value of the site is retained.
- 6.21. In respect of the re-development of the site, the imposition of suitably worded conditions can be applied to secure an ecological matrix (i.e. bird bats boxes, wildflower grass and hedgehog friendly fencing), to ensure that biodiversity

opportunities are increased accordingly linked through the landscape and associated management plan required in line with you Policy TP8 of the Birmingham Plan.

Flooding risks

- 6.22. The site falls within Flood Zone 1 and has a low probability of flooding and is not shown to be at risk from Main River or surface water flooding. Consequently, there are no significant risks from flooding from the proposed new residential development site.
- 6.23. Whilst this is the case the applicant has provided a detailed FRA and SUD's assessment. Final comments are awaited from the LLFA and will be reported to ensure this development is considered acceptable from a drainage point of view.
- 6.24. The Environment Agency and Severn Trent have raised no objections in terms of the scheme in principle. A condition relating to foul/surface drainage of the site has been attached in accord with TP6 the Birmingham Plan.

Amenity

- 6.25. The proposed dwellings will need to have adequate bedroom sizes and overall space which meet and exceed the standards as required by the DCLG Technical Standards in order to provide a satisfactory living environment for all the new occupier and this matter will again be part of any future reserved matters submission and may be adequately conditioned.
- 6.26. It is accepted that the new residents will be aware of the proximity of commercial properties in the surrounding area (Spring Road) and the adjacent station and railway line.
- 6.27. An air quality report has been provided and based on modelling finds the impact of the development would not cause adverse impact to air quality. The report has gone on to note that air quality could be an issue during construction and undertook a separate construction phase assessment with regard to houses around the site on Spring Road, Olton Boulevard, Shaftmoor Lane and Cateswell Road suggesting conditions for dust suppression and Electric vehicle charging points to be provided. These matters can be adequately conditioned in line with the report findings/mitigations.
- 6.28. A full noise report and vibration report has been provided as part of the supporting documentation for the application as the site is bounded by the railway to the east and roads to the north and south. In this instance the noise assessment found the noise levels would be within parameters for day time and night time impacts and could be adequately mitigated in terms of noise with appropriate glazing and ventilation. A further noise/vibration survey is recommended at the detailed stage once a layout has been fixed and it is considered that this can be adequately conditioned. Regulatory Services are satisfied that this is the correct approach to undertake to ensure adequate amenity levels are maintained for future residents.
- 6.29. The nearest properties to the new development are located to the south of the site along Shaftmoor Lane and in part to the north along Spring Road. Members will appreciate that the final design and layout would form the reserved matters/detail of another application and distance separations and standards are required by policy PG3 and Places for Living SPG. These aspects will ensure that amenity levels are maintained in accordance with Policy PG3 of the Birmingham Plan.

Other issues

- 6.30. As part of the submission the applicant has sought to provide a history of the site which dated back to the roman or medieval period although no artefacts remain. However the development of the railway and Lucas engineering firm and later Rolls Royce has framed the more modern history of the site. Prior to the demolition of the site, the existing site was recorded to ensure the important industrial history was recorded in posterity.
- 6.31. This study also includes mapping of the site and the built forms of the former Lucas and Rolls Royce factories before demolitions and has been included within the submission to ensure compliance with policy TP12 of the Birmingham Plan.

Affordable Housing and Planning Obligations

- 6.32. The development site falls within a Low Value Area Residential Zone and will therefore be subject to a nil CIL charge. However, given the scale of the proposed development, seeking to deliver more than 15 no. dwellings, 35% affordable housing should be delivered as part of the scheme, in accordance with Policy TP31 of the Birmingham Development Plan. In accordance with Policy TP9 of the BDP, residential schemes of 20 or more dwellings should provide on-site public open space and/ or children's play provision. Developer contributions would be used to address the demand from new residents if not provided onsite.
- 6.33. The developer has provided a financial viability report based on the proposed development. This has been thoroughly assessed by the Councils' independent advisors and it has been agreed that 35% affordable housing can be provided on site.
- 6.34. Members will note that Leisure Services and Sport England have requested an off-site contribution to be secured to offset for the on-site public open space and/ or children's play provision. The assessment has concluded that a payment for Public Open Space/sports improvements cannot be sustained in this instance. However, Members will note that 1.1ha of open space will be provided on-site (including 0.25ha of SUDS). Whilst adverse comments relate to the usability of this land, shown on the indicative layout plan, this may be considered at detailed stage to ensure the ground is suitable for purpose.
- 6.35. In this instance, the provision of 35% affordable homes is an approach acceptable and may be adequately secured through the S106 agreement.

6.36. Community Infrastructure Levy

- 6.37. The proposed development would not attract a CIL contribution.

7. Conclusion

- 7.1. This is previously developed land and the principle of residential redevelopment is considered acceptable in this predominately residential location, where a residential use has been established through the previously approved applications.
- 7.2. The development is in a highly sustainable location and can be adequately accessed and serviced. The design of the new elements will continue to complement the existing building and the wider area. Subject to the reserved matters details and

conditions, I consider the development provides a good level of amenity for the existing and proposed new residents. The site can be improved in terms of its biodiversity which would both benefit the site and the wider location and is considered acceptable.

8. Recommendation

8.1. Approve subject to conditions and 106 legal agreement

That consideration of application number 2019/06329/PA is deferred pending the completion of a Section 106 Legal Agreement to secure the following:

- i) To secure 105 units in total equating to 35% 'affordable units' delivered on site and retained as such in perpetuity
- ii) Provision of an employment compact
- iii) Payment of a monitoring and administration fee associated with the legal agreement of £1500.00

8.2. In the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority on or before 30th December 2019, planning permission be REFUSED for the following reason;

- i) The proposal represents an unacceptable form of development as it would not achieve Section 106 Planning Obligations in the form of appropriate affordable housing. This is contrary to Policies TP9 and TP47 of the Birmingham Development Plan 2031, Affordable Housing SPG, and the National Planning Policy Framework (2018).

8.3. That the City Solicitor be authorised to prepare, complete and seal the appropriate planning obligation via an agreement under Section 106 of the Town and Country Planning Act.

8.4. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority on or before 30th December, 2019, favourable consideration be given to this application, subject to the conditions listed below. That subject to the signing of a S106 agreement that planning permission is granted subject to conditions. In the event of this agreement not being signed by then permission is refused.

-
- | | |
|---|--|
| 1 | Implement within 3 years (outline) |
| 2 | Requires the submission of reserved matter details following an outline approval |
| 3 | Requires the prior submission of level details |
| 4 | Requires the prior submission of a contamination remediation scheme |
| 5 | Requires the submission of a contaminated land verification report |
| 6 | Tree Survey and Arboricultural Implication Assessment
Submission Required (Outline Application) |
| 7 | Requires the implementation of the Flood Risk Assessment |
-

-
- 8 Requires the prior submission of a sustainable drainage scheme
 - 9 Arboricultural Method Statement - Submission Required
 - 10 Requires the submission of a scheme for ecological/biodiversity/enhancement measures
 - 11 Requires the prior submission of details of bird/bat boxes
 - 12 Requires the submission of boundary treatment details
 - 13 Groundwater contamination - Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
 - 14 Requires the submission of a landscape management plan
 - 15 Requires the submission of a lighting scheme
 - 16 Limits the building heights
 - 17 Secures noise and vibration levels for habitable rooms
 - 18 Requires the prior submission of a construction method statement/management plan
 - 19 Approved Plans Condition for outline
 - 20 Employment condition
-

Case Officer: Sarah Willetts

Photo(s)



View up Spring Road site to the Right

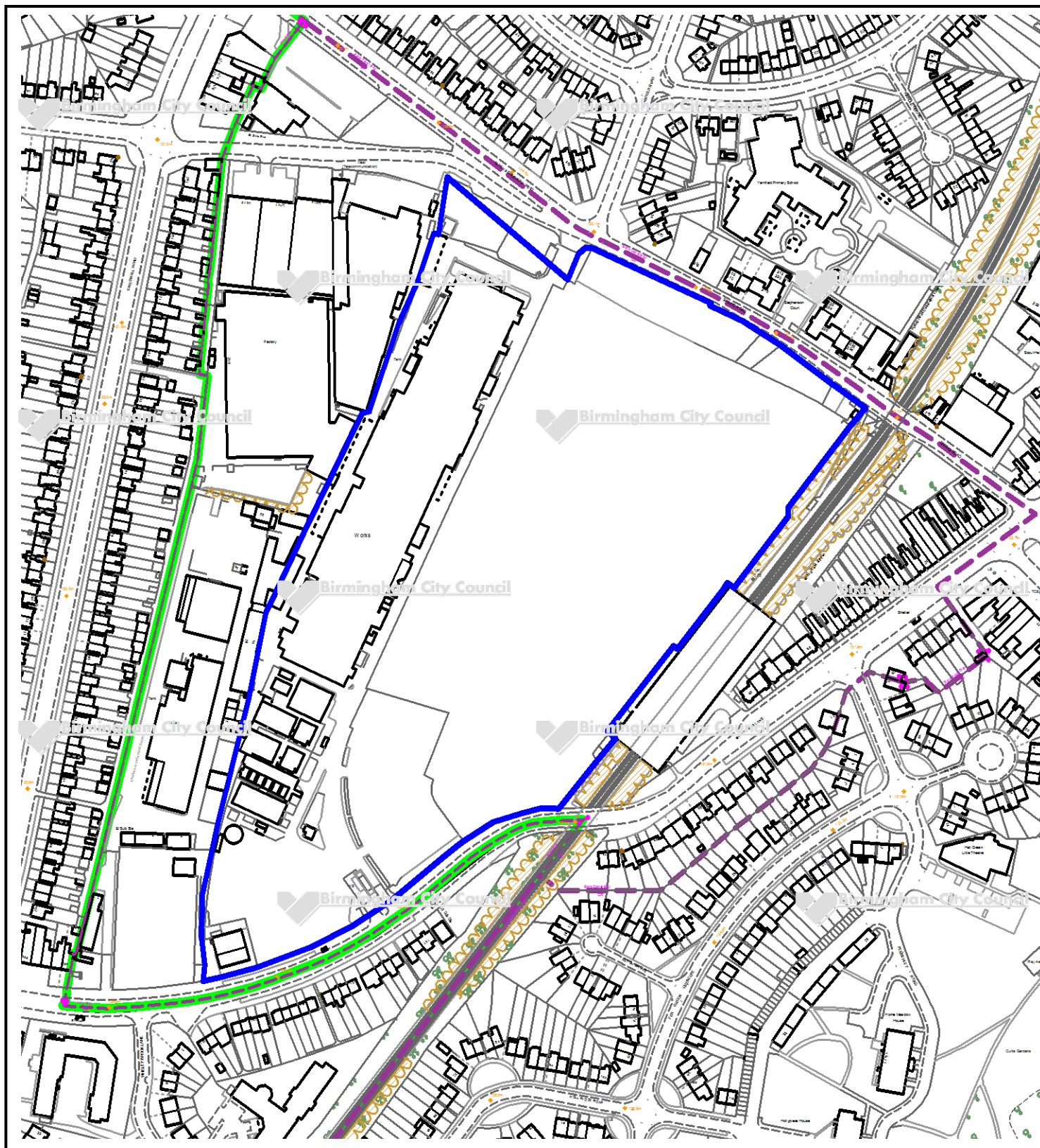


View Looking Down Shaftmoor Lane towards Cateswell road, site entrance to the right



View from inside the site looking towards Cateswell Road from previously reclaimed area
Source: Photo Cushman and Wakefield

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/09135/PA
Accepted:	04/11/2019	Application Type:	Householder
Target Date:	30/12/2019		
Ward:	Erdington		

63 Orchard Road, Erdington, Birmingham, B24 9JB

Erection of single storey rear extension

Recommendation

Approve subject to Conditions

1. Proposal

1.1. Consent is sought for the erection of a single storey rear extension to provide a new kitchen and bathroom at 63 Orchard Road, Erdington. This would extend off the rear of an existing two storey wing along the boundary with No. 61 Orchard Road.

1.2. The proposal would measure 9m in depth, 3.8m in width and 4.2m to the highest point (2.8m to eaves).

1.3. [Link to Documents](#)

2. Site & Surroundings

2.1. The application property is a traditional mid terraced dwelling house which is designed with a pitched roof and a two storey wing to the rear. The property is separated from No. 65 by a tunnelled access. The boundary with this neighbouring property is defined by 1.8m high timber fencing. The boundary treatment with No. 61 has been previously removed.

2.2. Some works have commenced on site and a single storey element off the rear of the existing wing has been recently removed. Footings and damp coursing has been installed on site; however no further works have taken place.

2.3. Both neighbouring properties have been previously extended with two storey additions to the rear of the wing. The extension at No. 61 positioned adjacent to the boundary with the application site, this is approximately 9m deeper than the two storey wing at the application property. The addition at No. 65 designed with a flat roof and located on the opposite boundary. This two storey addition does not benefit from formal consent.

2.4. [Site Location](#)

3. Planning History

3.1. 2019/1122/ENF - Alleged unauthorised development works – Action held pending the determination of this application.

4. Consultation/PP Responses

- 4.1. Local ward councillors and the occupiers of neighbouring properties have been notified. One response was received from a local resident which raises objection in respect of:
- Scale being over bearing
 - Loss of light
 - Disruption through noise and smell omission

5. Policy Context

- 5.1. The following local policies are applicable:

- Places for Living (Adopted Supplementary Planning Guidance 2001)
- Extending your Home (Adopted Supplementary Planning Document 2007)
- Birmingham Development Plan (2017)
- UDP 2005 (saved policies 3.14 – 3.14D & Chapter 8)
- 45 Degree Code (Adopted Supplementary Planning Guidance 1996)

- 5.2. The following national policies are applicable:

- NPPF: National Planning Policy Framework (2019)

6. Planning Considerations

- 6.1. The principal matters for consideration are the scale and design of the extension, the impact on the architectural appearance of the property, general street scene and the impact upon neighbouring properties' amenities.
- 6.2. When taking into account the depth of the rear wings at both adjoining neighbouring properties together with the depth of the overall plot the scale and design of the proposed single storey extension is considered to be acceptable. The proposal meets the general principles contained in the design guide 'Extending your Home'.
- 6.3. The proposal complies with your Committees 45 Degree Code with respect to rear wing extensions. The Code allows for extensions off the rear of terraced wings as the existing situation already results in a breach. The 45 Degree Code also states that single storey extensions would be looked at on the individual merit providing sufficient private amenity space is retained. In this instance there would be no code breach to No. 61 and would not worsen the existing situation with No. 65. Sufficient rear amenity space will be retained.
- 6.4. The numerical guidelines contained in 'Places for Living' and 'Extending your Home' have not been met in terms of the minimum 5 metre separation distance required between windowed elevations and adjoining private amenity space. Notwithstanding this the existing relationship between properties results in a shortfall of the distance required. When taking this into account together with the presence of a 1.8m high fence, there would be no additional harmful impact than as existing.
- 6.5. Comments relating to disruption through noise and smell omission have been noted; however these matters are not material planning consideration. As a result they cannot be taken into consideration when assessing this application.

6.6. Finally, as works have already commenced on site, imposing a 3 year time limit condition on any approval is not applicable in this instance.

7. Conclusion

7.1. This application is recommended for approval because the proposal complies with the objectives of the policies as set out above and is of acceptable scale and design.

8. Recommendation

8.1. Approve subject to conditions

1 Requires the scheme to be in accordance with the listed approved plans

2 Implement within 3 years (Full)

Case Officer: Philip Whittaker

Photo(s)



Photo 1: Rear elevation

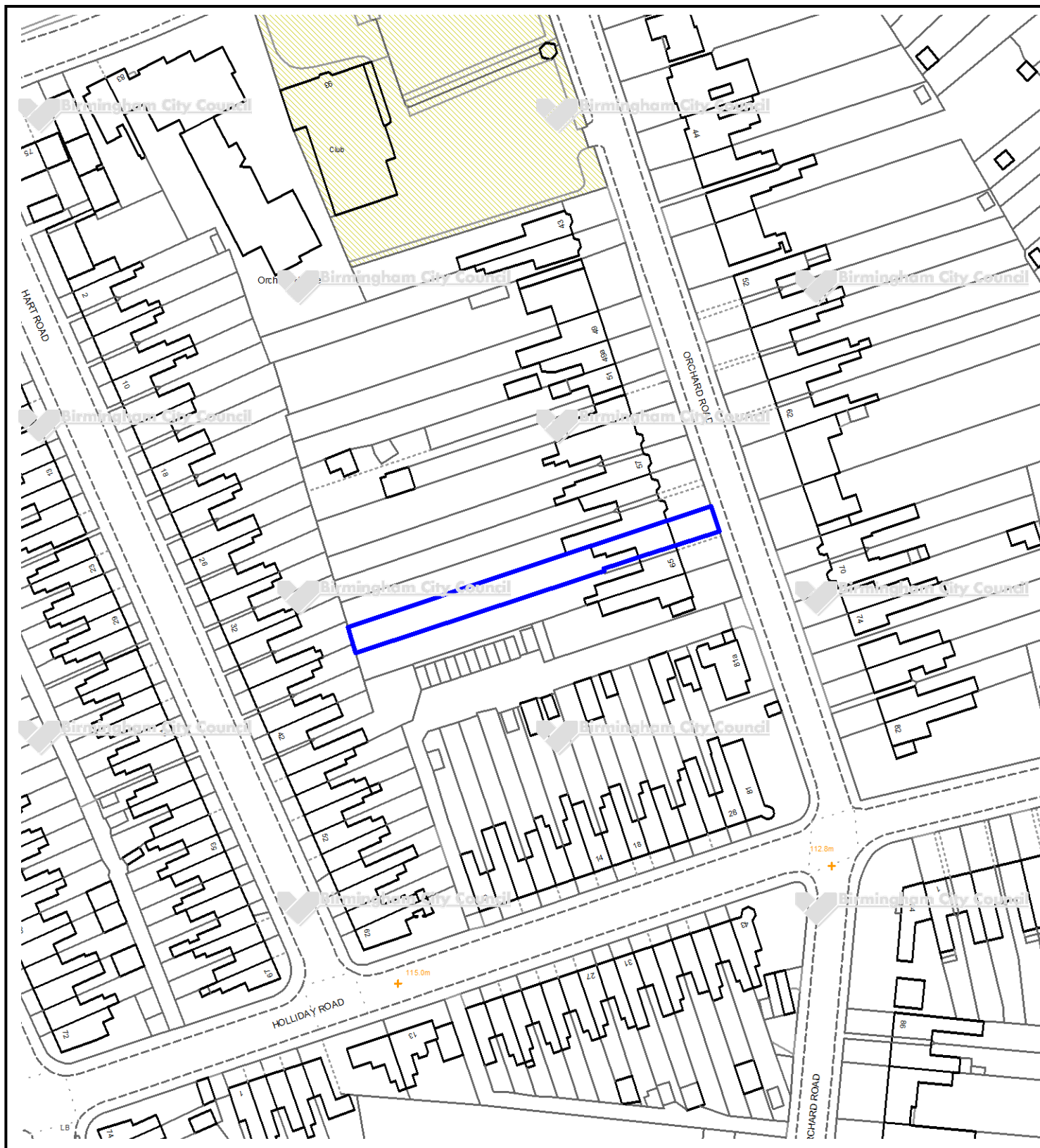


Photo 2: Rear right



Photo 3: Extent of works on site

Location Plan



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Committee Date:	19/12/2019	Application Number:	2019/05732/PA
Accepted:	18/07/2019	Application Type:	Householder
Target Date:	04/10/2019		
Ward:	Acocks Green		

71 Severne Road, Acocks Green, Birmingham, B27 7HJ

Erection of single storey rear extension

Recommendation

Determine

- 1.1. Report back
- 1.2. Members will recall that this application was presented to Planning Committee on the 5th December with a recommendation to approve the application subject to the imposition of conditions. The application was deferred minded to refuse on the grounds of loss of light and amenity value.
- 1.3. Members will know that the proposed single storey rear extension was considered acceptable based on the proposal being a glazed and brick structure and taking into account provisions contained within the 45 Degree Code guidance which states "The Code is applied to applications for new 'conservatories'. If the 'conservatory' is mainly made from glass, this is taken into account when looking at the effect on the neighbouring property". The proposed development comprises of a 3m deep single storey extension with a glass roof, brick height of 1.8m on the side elevations and the upper sections being glazed. Officers consider that the recommendation to approve the erection of the single storey rear extension was on-balance appropriate. However, if members are minded to refuse the proposal, the following reason is suggested:
- 1.4. The proposed extension does not comply with the 45 Degree Code for House Extensions and would lead to a loss of outlook and light to adjoining neighbour at No.69 Severne Road. As such the proposal would be contrary to Policy PG3 of the Birmingham Development Plan 2017, saved Paragraphs 3.14C and 8.39-8.43 of the Birmingham UDP 2005, guidance in Places for Living adopted as Supplementary Planning Guidance and Extending your Home adopted as a Supplementary Planning Documents, and the National Planning Policy Framework.

Original Report

1. Proposal
 - 1.1. This application seeks consent for the erection of a single storey rear extension at 71 Severne Road.
 - 1.2. [Link to Documents](#)
2. Site & Surroundings

- 2.1. The application site comprises of an end-terraced property with a hipped roof design. The site is located in a residential area with varying styles of architectural designs within the street scene. The property is set back from the highway with a hardstanding driveway to the front enclosed with low brick wall boundaries to either side of the property. There is a single storey extension on the front elevation and a single storey extension on the rear/ side elevation. As the rear/ side elevation has been is situ since 2014 (i.e. over 4 years), it is now lawful development.
- 2.2. There is an outbuilding to the rear of the site and a canopy / verandah constructed on the rear elevation measuring 6.2m deep across half the width of the dwelling and is 2.2-2.5m in height. It is a timber framed construction with perspex roofing and part side panels. The rear boundary treatment to both sides of the application site comprises of approximately 1.8m high wooden fencing, the rear garden slopes downwards further back and subsequently the fence panels also reduce in height.
- 2.3. [Site Location](#)
3. [Planning History](#)
 - 3.1. Live Enforcement Case - 2019/0596/ENF – Alleged unauthorised structure added to existing extension – Under Investigation.
4. [Consultation/PP Responses](#)
 - 4.1. Local Ward members and neighbours have been consulted for the statutory period of 21 days.
 - 4.2. An objection has been received on grounds of loss of light, outlook, guttering and scale, mass and design.
 - 4.3. Councillor Roger Harmer has also raised an objection to the proposed development.
5. [Policy Context](#)
 - 5.1. National Planning Policy Framework (2019); Birmingham Development Plan (2017) Birmingham Unitary Development Plan Saved Policies (2005); Places For Living (Adopted Supplementary Planning Guidance 2001); The 45 Degree Code (Adopted Supplementary Planning Guidance 1996); Extending Your Home (Design Guide 2007).
6. [Planning Considerations](#)
 - 6.1. This application has been assessed against the objectives of the policies as set out above.
 - 6.2. The application site currently has a partly built verandah/canopy to the rear of the property; this had resulted in an enforcement case being registered which has subsequently led to this application being registered.
 - 6.3. The original proposal was for a 5m single storey extension; however upon request the agent has now provided amended plans with the following changes; reducing the depth of the proposed extension to 3m, the solid roof element has been changed to glass and the height of the brickwork on both side elevations has been reduced from 2m down to 1.8m. This proposal would replace the existing canopy/verandah within

the application site and in its revised form is considered to be acceptable in principle.

- 6.4. The existing single storey side and rear extension was built in 2014 and whilst it is clear that this extension breached the 45 Degree Code with the adjoining neighbour at No.69 Severne Road, no objections/enquiries have been registered against this extension since the time it was built. As a result of this development being in situ for more than 4 years it is now considered to be a lawful development on site and not requiring planning consent. It is noted that the existing 3m extension and the proposed 3m 'conservatory style' extension would add a total combined depth of 6m on site; this is considered to be the maximum acceptable amount permitted for terraced properties.
- 6.5. Objections have been raised on grounds of the proposed extension breaching the 45 Degree Code; however the 45 Degree Code is only applied to rear facing windows and whilst it is acknowledged that there is a side window fronting the application site from No.69 Severne Road side windows are not taken into consideration when assessing the 45 Degree Code. The existing 3m extension on site already breaches the 45 Degree Code and it is not considered that the additional extension would cause no greater harm than the existing arrangement on site.
- 6.6. Whilst the rear garden slopes downwards the proposed extension complies with the 45 Degree Code and the minimum distance separation guidelines contained within 'Places for Living' and 'Extending Your Home'. There would be no overlooking issues, or significant adverse impact on the amenities of the occupiers of the adjacent properties by virtue of loss of light or outlook. Furthermore, the side windows within the proposed development would be obscurely glazed in order to protect the amenities of both adjoining neighbours and a condition will be attached accordingly.
- 6.7. I consider that the proposed development would not significantly compromise the existing character or architectural features of the property, or have a detrimental impact on the general street scene. Therefore the proposal complies with the principles set out within 'Extending Your Home'.
- 6.8. The scale, mass and design of the proposed development are acceptable. The proposed conservatory would be built of partly brick and glass on the upper level which would ensure that light can still pass through to adjoining neighbours ensuring outlook is not impacted. The side elevations would only be 1.8m in height which would largely be screened by the existing 1.8m wooden fencing/boundary treatment and it is therefore considered that this extension would not cause any significant harm to the private amenities of both adjoining properties. The proposed development would be built to the rear of the site and would not be visible from the street scene; the proposed development would therefore have a limited impact on the visual amenity of the surrounding area.

7. Conclusion

- 7.1. The application complies with relevant planning policies and is therefore recommended for approval.

8. Recommendation

- 8.1. Approve Subject to Conditions

-
- 1 Requires that the materials used match the main building
 - 2 Requires the scheme to be in accordance with the listed approved plans
 - 3 Requires the submission details obscure glazing for specific areas of the approved building
 - 4 Implement within 3 years (Full)
-

Case Officer: Vajid Mahmood

Photo(s)



Photo 1: Front Elevation



Photo 2: Rear Elevation

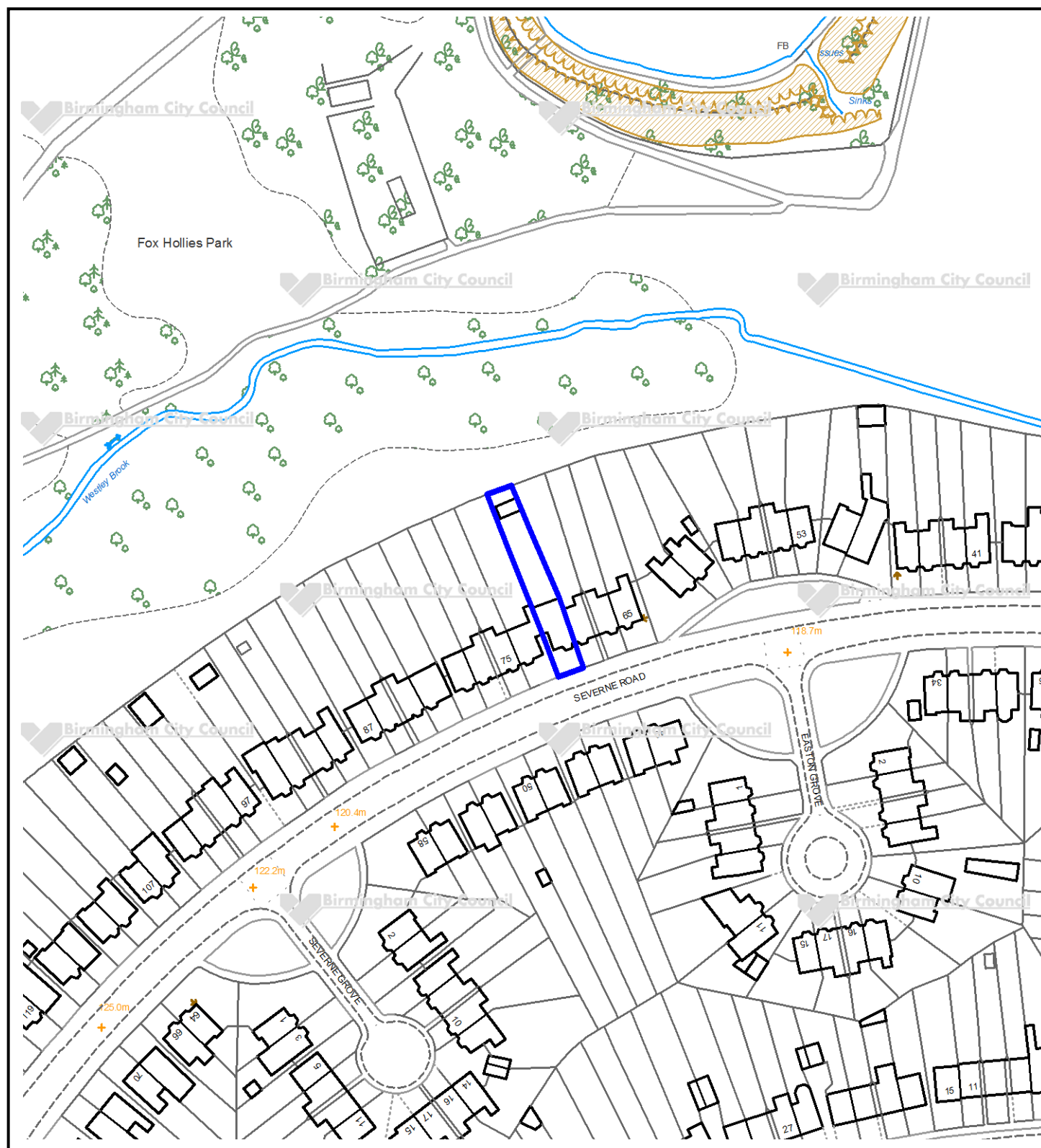


Photo 3: Adjoining occupier No.69 Severne Road



Photo 4: Adjoining occupier No.73 Severne Road

Location Plan



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Birmingham City Council
Planning Committee 19 December 2019

Appeal Decisions Received from the Planning Inspectorate in November 2019

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Enforcement	348 Walsall Road, Perry Barr	Non compliance with conditions attached to planning permission reference 2015/02538/PA. 2018/0724/ENF	Dismissed	Enf	Written Representations
Enforcement	46 Rookery Road, Selly Oak	Without planning permission; i. The material change of use of the Premises from a single dwellinghouse (Use Class C3) to 10 x self-contained flats ii. The erection of a two storey side extension, ground and lower ground floor rear extension. 2015/0226/ENF	Part Allowed (see note 1 attached)	Enf	Written Representations
Householder	10 Firbeck Grove, Kingstanding	Erection of two storey side extension. 2019/02604/PA	Dismissed	Delegated	Written Representations
Householder	25 Hampstead Hill, Handsworth	Erection of single storey front extension. 2019/04445/PA	Dismissed	Delegated	Written Representations
Advertisement	118 Stratford Road, Sparkhill	Display of no. 1 internally illuminated fascia sign. 2019/02819/PA	Dismissed	Delegated	Written Representations
A3/A5 Uses	Unit 2, 23 Watford Road, Cotteridge	Change of use from retail (Use Class A1) to restaurant (Use Class A3) and installation of extraction flue to rear. 2018/10357/PA	Dismissed	Delegated	Written Representations
Residential	1 & 1a St Annes Close, Handsworth Wood	Conversion of one dwellinghouse into two dwellinghouses. 2019/01664/PA	Allowed (see note 2 attached)	Delegated	Written Representations

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Residential	114-118 Plants Brook Road, Sutton Coldfield	Demolition of side extension and garage, creation of new access and erection of 5 no. detached dwellings. 2019/02891/PA	Dismissed	Delegated	Written Representations
Residential	18-20 Albion Court, Frederick Street, Jewellery Quarter	Prior Approval for change from office (Use Class B1[a]) to 23 no.residential apartments (Use Class C3). 2018/03393/PA	Dismissed (see note 3 attached)	Delegated	Hearing
Residential	169 Stechford Road, Land Adjacent, Hodge Hill	Erection of dwelling house. 2019/02722/PA	Dismissed	Delegated	Written Representations
Residential	10 Sloane Street, Jewellery Quarter	Demolition of industrial warehouse and erection of 3 no. townhouses. 2018/10042/PA	Dismissed	Delegated	Written Representations
Residential	29 Redacre Road, Sutton Coldfield	Part demolition of existing dwelling and erection of 1 new dwelling with associated parking. 2018/08507/PA	Dismissed	Delegated	Written Representations
Other	Lindridge Pool, Lindridge Road, Sutton Coldfield	Retention of outbuilding. 2018/08876/PA	Dismissed	Delegated	Written Representations
Other	184 Maryland Avenue, Hodge Hill	Retention of dormer window to rear. 2019/02111/PA	Dismissed	Delegated	Written Representations
Other	Radio House, 79 Aston Road North, Aston	Removal of Condition No C3 (The premises shall be used for the purpose approved under this permission, and no other purpose) attached to planning approval 2006/06222/PA. 2019/02332/PA	Allowed (see note 4 attached)	Delegated	Written Representations

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2019**

<u>CATEGORY</u>	<u>ADDRESS</u>	<u>USE</u>	<u>DECISION</u>	<u>TYPE</u>	<u>PROCEDURE</u>
Other	120 Alcester Road, Moseley	Variation of Condition No. 19 attached to planning application 2015/08695/PA to extend opening hours of ground floor premises only from 0800 - 1900 Monday - Saturday and 1000 - 1600 on Sunday to 0800 - 0100 every day. 2019/02668/PA	Dismissed	Non-determine	Written Representations

Total - 16 Decisions: 13 Dismissed (81%), 2 Allowed, 1Part Allowed

Cumulative total from 1 April 2019 - 148 Decisions: 125 Dismissed (84%), 21 Allowed, 2 Part Allowed

Notes relating to appeal decisions received in November 2019

Note 1 (46 Rookery Road)

Enforcement Notice issued for the extension because:

- 1) The design of the unauthorised development as built is out of keeping with the design/character/appearance of the existing house.
- 2) The size of the unauthorised development as built is out of scale with the existing house and is unduly dominant.
- 3) The unauthorised development as built does not comply with the 45 Degree Code for House Extensions and therefore results in a loss of outlook and light to No.48 Rookery Road.

Appeal allowed for the extension because the Inspector considered that although as a whole it is large in relation to the simple form and size of the original property, in the context of the prevailing built form, it has not harmed the character and appearance of the area. The strict application of the 45 Degree Code, without taking account of other factors, does not show as claimed by the Council that this causes a substantial loss of light and outlook to the occupiers of No.48.

The appeal relating to the change of use to 10 self-contained flats was dismissed.

Note 2 (1 & 1a St Annes Close)

Application refused because the appearance of the self-contained dwelling would be out of context and out of character with the surrounding properties and would adversely affect the character of the existing residential area.

Appeal allowed because the Inspector concluded that the use of the extension as a separate dwelling would not have an adverse effect on the character or appearance of the appeal site or its surroundings compared with its existing use as an extension to No1.

The appellant's application for costs was refused.

Note 3 (18-20 Albion Court)

The applications for costs by the appellant and a third party were refused.

Note 4 (Radio House)

Application refused because the proposed removal of Condition No. C3 attached to planning approval 2006/06222/PA would allow the flexibility to use permitted development rights to change to a non-employment use.

Appeal allowed because the Inspector was not satisfied that the condition is necessary or reasonable to protect the strategic importance of the Core Employment Area.